



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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MAR 14 2003

Reply to the attention of  
WG-15J

Richard A. Powers, Chief  
Water Division  
Michigan Department of Environmental Management  
P.O. Box 30273  
Lansing MI 48909-773

Dear Mr. Powers:

Enclosed is the final copy of the Fiscal Year (FY) 2001 Enforcement Verification (EV) Report for the Michigan Department of Environmental Quality (MDEQ), Drinking Water and Radiological Protection Division (DWRPD). The EV was conducted at MDEQ's Lansing offices on March 19 through March 22, 2001. Responsibility for implementing the State's drinking water program was later transferred to MDEQ's Water Division. The purpose of the EV was to determine if the enforcement processes outlined in the Michigan Compliance Strategy and enforcement flow charts were being followed; and to verify the accuracy and completeness of the enforcement documentation in system files and computerized data bases, and compare this information with information MDEQ reported to the Federal Safe Drinking Water Information System. We have incorporated comments dated June 14, 2002, from Jim Cleland, then Chief, DWRPD, and also comments dated October 17, 2002, from you in the final report.

The overall findings are contained in Section 5 of the report, Commendations and Recommendations. The report also contains enforcement findings for each system in Appendix B, and the list of unreported violations in Appendix C. We will follow-up with you on the major recommendations.

We would again like to thank your staff for their helpfulness during our visit, and in follow-up communications. Please feel free to contact Tom Murphy of my staff at (312) 886-9546 regarding any assistance Region 5 could provide with your compliance and enforcement activities

Sincerely yours,

/s/ CHARLENE J. DENYS

Charlene Denys, Chief  
Ground Water & Drinking Water Branch



Ground Water & Drinking Water Branch

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MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC WATER SYSTEM SUPERVISION PROGRAM

FISCAL YEAR 2001

ENFORCEMENT VERIFICATION REPORT





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## 1.0 INTRODUCTION

On March 19 through March 22, 2001, the United States Environmental Protection Agency, (U.S. EPA) Region 5, Ground Water Branch & Drinking Water Branch (GWDWB) conducted the Fiscal Year (FY) 2001 Enforcement Verification (EV) audit of Michigan's Public Water System Supervision (PWSS) program at Michigan Department of Environmental Quality (MDEQ), Drinking Water & Radiological Protection Division (DWRPD) Lansing offices. The purpose of the EV was to determine if the enforcement process outlined in the Michigan Compliance Strategy and enforcement flow charts were being followed, to verify the accuracy and completeness of the enforcement documentation in system files and computerized data bases, and to compare this information with the enforcement information that MDEQ reported to the Federal Safe Drinking Water Information System (SDWIS).

Noncommunity water systems (NCWS), which include nontransient noncommunity water systems (NTNCWS), and transient noncommunity water systems (TNCWS) in Genesee, Jackson, and Oakland counties were reviewed. Mobile home park and nursing home community water systems (CWS) were also included in the EV.

The EV focused on the following areas: Total Coliform Rule (TCR), nitrate, Lead and Copper Rule (LCR), Phase 2/5 and public notice (PN) requirements. The EV also followed-up on several issues from the 1994 EV, 1995 Data Verification (DV), and 1997 DV. [These follow-up items included implementation, compliance tracking, and enforcement of TCR; public notice requirements at NCWSs by local health departments (LHDs) from the 1994 EV; Environmental Health Services (EHS) TCR violation reporting accuracy from the 1995 DV; EHS adherence to conditions for reducing monitoring frequencies under the TCR; timely private lab notification of systems with positive bacteriological (bacti) samples to take repeat samples; and LCR compliance tracking, and enforcement action reporting from the 1997 DV.]

Specifically, the team reviewed a total of 72 system files, consisting of 21 CWSs (18 mobile home parks, and 3 nursing homes) 12 NTNCWSs, and 39 NCWSs. In these files, the audit team reviewed the enforcement follow-up and PN records for the following numbers and types of contaminant violations: 23 TCR maximum contaminant level (MCL), 79 TCR monitoring and reporting (M/R), 27 nitrate M/R, 10 LCR M/R, 2 gross alpha M/R, 2 inorganic contaminant M/R, 1 arsenic M/R, 1 cyanide M/R, and 1 VOC M/R. Tracking and enforcement of follow-up activities that systems are required to perform after a lead action level exceedance were also reviewed for 6 exceedances at 1 CWS and 3 NTNCWSs. Enforcement follow-up records for 2 Consumer Confidence Report (CCR) violations were also reviewed.

The above MCL, M/R, and CCR violations occurred between July, 1998 and June, 2000. The lead action level exceedances occurred either during or before this period.

## 2.0 STATE ENFORCEMENT PROCESS AND ORGANIZATION

### DWRPD

Michigan's drinking water compliance program is centrally administered by the DWRPD. Municipal and some non-municipal CWSs are overseen by the Field Operations Section. Mobile home parks are overseen by Environmental Health Services (EHS) within the Environmental Health Division. Nursing homes are overseen by the Bureau of Health Care Facilities (BHCF) within the Department of Consumer Industry Services (DCIS) through a Memorandum of Understanding with DWRPD. The DWRPD's Ground Water Supply Section, Noncommunity Unit, oversees NCWSs through contracts with 43 LHDs.

### EHS

The EHS Resource Analysts (RAs) in the Lansing office maintain separate bacti, chemical/radiological, LCR, and Consumer CCR files for each system, which have copies of letters sent to the system, PNs received from the system, etc. However, because reminder/fine warning notices (R/FW), annual monitoring instruction letters, and other mass mailed notices were filed in the main mobile home park file, not in RAs files, and many of the main files were moved to the district offices (DOs) approximately 3 years ago as the result of a reorganization, they were not available for review during the EV. Copies of other monitoring compliance related correspondence and sampling results were filed in the RAs files prior to the reorganization, and were therefore available for review during the EV. Since the reorganization, copies of all RAs mailings have been filed in the RAs files, and copies sent to the DOs.

Sample results are filed in separate system contaminant files, except the bacti results are filed in a central file. Positive bacti results are tracked on Positive Bacti Sampling Status Sheets filed in ring binders, and the RAs maintain books for recording phone logs for all positive bacti samples that occur in the areas assigned to them. Upon receiving positive routine bacti results, the RAs instruct systems to take repeat samples by phone or fax, or if systems cannot be reached by phone/fax, a letter is sent. The status sheets record the date and ID # of the original routine positive, whether or not there was an MCL violation, and month of the violation. For MCL violations, the following information is recorded: the dates the PN/boil water notice was issued and lifted; telephone contacts with system (date/contact name); problem with system and remedy; date/number/result of check samples; and if 5 routines were taken the following month. The system must collect 4 consecutive negative follow-up samples before EHS can lift the boil water notice. For positive routines that are not confirmed by positive repeat samples, (non-MCL incidents), the same type of information is recorded, except that PN is not normally required. Both MCL violations, and non-MCL incidents are not logged as "resolved" until 5 negative routines samples are collected the following month.

All reported sample results are entered into an Access database system. The database is used to generate violations using queries and to create the annual sampling letters. The database has tracking screens for chemical/radiological and LCR monitoring schedules, sample locations and sample results information. The Access database is used to track bacti results which includes the following fields: date/number of samples; number of positive samples; fecal positive; purpose; and comments. However, like the Positive Bacti Sampling Status Sheets filed in ring binders, it does not include sample location.

The Lansing office receives sanitary survey reports from 2 of the 8 DOs. Sanitary survey reports are filed in the MHP main files in the "vault" area with construction plans etc. These files were not reviewed during the EV.

At Region 5's request, EHS provided the audit team with printouts from its Access database of the sample results for the systems being reviewed by the audit team during the EV. Region 5 sent EHS a list of MHPs that would be reviewed during the EV on March 16, 2001.

### **BHCF**

BHCF does not have access to DWRPD's T1 CWS database, and only recently started using its own database. BHCF sends hard-copy lists of violations and enforcement actions to DWRPD for entry into SDWIS/FED. Lab slips are still filed chronologically in the system correspondence files. There are separate system correspondence files for each contaminant type.

On June 14, 2002, MDEQ advised Region 5 that, effective January 1, 2002, the Field Operations Section of the Water Division (formerly the Drinking Water and Radiological Protection Division) assumed oversight of public water systems previously handled by BHCF. Field Operations Section staff had made contact with all health care facilities and were pursuing education, compliance, and enforcement activities where necessary.

### **LHDs**

Region 5 sent MDEQ a list of noncommunity systems in Genesee, Jackson, and Oakland that would be reviewed during the EV to allow time for the LHDs to forward the files to the DWRPD Lansing office. At Region 5's request, DWRPD included sample logs from LHD computer systems or manual log books for the EV period of review.

A letter from Jackson CHD to Richard Overmyer, Chief, Noncommunity Unit regarding the EV states, "Some lab results are documented by printout sheets of a data base. When the laboratory at the Jackson County Health Department was closed in December, 1999, much of the data had been kept in a Foxpro program, and this data base was erased. The only documentation remaining was printouts of the data bases, and occasional lab copies."

During the EV, the Chief, Noncommunity Unit provided the following information on LHD follow-up procedures. LHDs generally will phone systems with a history of bacti problems after a positive routine sample to instruct them on repeat sampling and proper chlorination procedures, and send them a sample PN to post in case of an MCL violation. LHDs may also send systems that use private labs a reminder letter to get repeat samples after a positive routine result is received. For systems that do not have a history of problems, LHDs generally wait until they collect repeat samples, and call or visit systems that get an MCL violation to provide instruction and assistance with investigation of the problem, elimination of defects, and chlorination. He said it is important that the systems disinfect and flush the well properly, and only take check samples when there is no detectible chlorine residual. The LHD leaves test kits ("pillows") for testing chlorine residual, and instruct the operators on their use. The LHD may return to take their own check samples. If the LHD's samples are positive, but the system's samples were negative, the LHD will invalidate the system's samples. He said systems often do not perform the above steps correctly, so it is fairly common for systems to get positives when they take 5 routine samples the next month.

The August, 1991 (second edition) Noncommunity Public Water Supply Manual does not specify where check samples should be collected. The NCWS program requires that systems that have an MCL violation to collect check samples after they disinfect the system. A minimum of 2 consecutive negative check samples taken at least 8 hours apart are required. The NCWS Response to Positives flow chart does not provide any information on check sampling or other follow-up steps for MCL violations, other than PN requirements. During the EV, the Chief, Noncommunity Unit advised that one check sample should be taken from a distribution tap and the other from the raw water sample tap.

### **3.0 ENFORCEMENT FINDINGS**

#### **3.1 TCR MCL Violation Follow-Up**

##### **3.1.1 Community Water Systems**

The CWSs review included 18 MHPs overseen by EHS, and 3 nursing homes overseen by BHCF. For TCR MCL violations, the EV team checked for the following: adherence to the follow-up sampling and public notice requirements of 40 C.F.R. Sections 141.21 and 141.32; MDEQ flow charts for response to positive bacti samples and timely and appropriate action for MCL violations at CWSs, and the EHS Positive Bacteria Response flow chart (Appendix A).

Specifically, the audit team checked for a State issued Notice of Violation (NOV) letter instructing system to issue a PN/boil water notice using an example provided by the State, and a signed copy of the PN/Boil water notice returned from the system. The audit team checked for documentation of an investigation into the cause of the violation, any corrective actions taken, possible chlorination of the well and/or system, and of 4 satisfactory consecutive negative check samples collected before the system is returned to compliance. The audit team also checked for



documentation that the State notified the system it had returned to compliance and should lift the PN/boil water notice, and collect 5 routine samples the next month. The audit team also looked for: a return to compliance (SOX) date in SDWIS for the violation, a signed copy of the PN from the system in the file, and laboratory results for 5 routine samples the next month. The EHS NOV letters should instruct the system not to lift the notice until it collects 4 consecutive negative check samples, and receives authorization from the EHS. The EV team also checked if systems that had a positive routine sample were instructed to collect repeat samples, and that systems that monitor quarterly were placed on monthly monitoring after they had an MCL violation.

Neither the "Coliform Samples" screen of the EHS sample results database or the Positive Bacteri Sampling Status Sheets filed in ring binders includes sampling location. Therefore, they can not be used to track if systems are sampling from the correct locations for routine, repeat, or check samples. Also, the audit team could not differentiate between the repeat samples that are required after a positive routine sample from "check" samples taken to check the success of system/well disinfection because they were all labeled as check samples in the coliform sample results database.

See Appendix B for the audit team's findings on how well procedures were followed for each violation reviewed at the mobile home parks overseen by EHS (pages 1-16), and the nursing homes overseen by BHCF (pages 16-19) included in the review.

#### 3.1.1.1 EHS

The audit team reviewed enforcement follow-up to 8 TCR MCL violations at 7 MHPs. The audit team found that EHS generally followed its procedures in all 8 cases.

However, there was little documentation in the files regarding investigation into the cause of the MCL violation, corrective actions taken, and system disinfection before collecting the 4 negative check samples that cleared the MCL. After the EV, EHS advised R5 that this information is kept in the DO files, not in the EHS, Lansing office files, because EHS field staff handle this side of the investigation and follow-up. Also, while DO field staff send copies of sanitary reports to the Lansing office, they do not send documentation related to the correction of the deficiencies noted in sanitary survey reports.

The audit team made the following additional observations:

- EHS issued NOV letters for all 8 violations which required the system to post PN and to send a signed/dated copy of the posting back to EHS.
- State return to compliance (SOX) dates were in SDWIS for all of the MCL violations.

- Two instances where EHS notified systems they were no longer eligible for quarterly sampling after they had an MCL violation in early 2000.
- EHS includes a warning in its TCR MCL NOV letters that enforcement will be taken against system's manufactured housing community license if it fails to provide timely PN.
- Repeat samples were not taken at Lincoln Estates MHP (MI0040001) until 7 days after the 6/15/98 routine positive sample, and 9 days after the 4/24/99 routine positive sample. Repeat samples were not taken at University MHP #1 (MI0040324) until 7 days after the 8/8/00 routine positive.
- EHS does not instruct systems to return a signed/dated copy of the boil water order lifting notices it sends systems to post.
- Copies of signed PNs from the system were not in the files for 2 MCL violations.

### 3.1.1.2 BHCF

The audit team reviewed follow-up to 2 TCR MCL violations at 1 nursing home. The audit team found that BHCF generally followed its procedures for one of the MCL violations. The team identified several issues with the second MCL violation. Details can be found in Appendix B.

The audit team made the following additional observations:

- BHCF immediately places systems with bacti MCLs on boil water notices, and requires provision of bottled water until the MCL is resolved.
- The EV team determined from the file review and discussions with BHCF staff that BHCF has been mistakenly implementing the requirement that systems take 5 routine samples the next month following a positive bacti routine sample. BHCF staff said that because their systems are on quarterly bacti monitoring, they instructed systems to take these samples during the following quarter, rather than the following month as required. [141.21(b)(5)].
- BHCF should have charged Glenwood Christian Nursing Home (MI0062658) with a minor repeat M/R violation because 2 were taken from the wellhead instead of a distribution system tap as required [141.21(b)(2)].
- BHCF should have charged Glenwood Christian Nursing Home with a major routine M/R violation because the 6/25/99 sample was taken at the kitchen well rather than a distribution system tap as required [141.21(a)], and the CWS bacti MCL flow chart.

### 3.1.2 Noncommunity Water Systems Overseen by Contract LHDs

For TCR MCLs, the EV team checked for adherence to: follow-up sampling, and public notice required by 40 C.F.R. Sections 141.21, and 141.32); MDEQ NCWS flow charts for response to positive bacti samples, and timely and appropriate action for MCL violations (Appendix A); and procedures for responding to positive bacteriological sample results outlined in the August, 1991 (second edition) Noncommunity Public Water Supply Manual (NC PWS Manual). Specifically, the NC PWS Manual requires the LHDs to issue NOV letters that instruct systems to: notify its customers about the violations, attach a sample PN, and require the system to return a signed/dated copy of its PN; provide an alternative source of water; investigate to determine the cause and take corrective actions needed; chlorinate the well after repairs are completed; and resample until a minimum of 2 consecutive negative total coliform samples are taken at least 8 hours apart. The EV team also looked for documentation that systems were instructed to collect repeat samples after they had a positive routine sample, as required by the NC PWS Manual.

The audit team also checked if one or more of the 4 repeat samples following a positive routine sample were taken from the raw water sample tap as required by the NCWS Response to Positives flow chart.

The audit team also checked for documentation that the LHD notified the system it returned to compliance, should discontinue precautionary measures (PM), (i.e., posting of PN, and providing bottled water), and collect 5 routine samples the next month as required by the NC PWS Manual. The audit team also checked the files for: a signed copy of the PN received from the system, documentation of an investigation into the cause of the problem, as required by the NC PWS Manual. The audit team also checked if a return to compliance (SOX) code and date were entered into SDWIS for the violation, and if the system collected 5 routine samples the following month.

The audit team also checked if systems that monitor annually were placed on quarterly monitoring after they had an MCL or M/R violation. The Chief, MDEQ, Water Supply Section, Noncommunity Unit issued instructions to the LHDs for assigning total coliform monitoring frequencies and documenting monitoring reductions in a 9/9/99 memo.

Handwritten Water Sample Result Logs in Genesee CHD system files do not have a place to record sample location and do not differentiate between routine, repeat, and check samples.

Handwritten chronologies of sampling results and contacts with the system, posting, well chlorination, return to compliance etc., were in most of the Jackson CHD system files. Also, some lab results are documented by Jackson CHD lab database printouts that include sample location. TCR routine, repeat, and check samples are not differentiated on these printouts. The Oakland CHD lab database printouts that were in the files include sample location, but also did not differentiate between routine, repeat, and check samples.

After the EV, MDEQ advised Region 5 that if sample locations are recorded by the sampler, they are captured on the laboratory results form provided to the LHDs. However, typically, the sampling log sheets provided for the EV may not contain the location information.

See Appendix B for audit team findings on how well procedures were followed for each violation reviewed at systems located in Genesee (pages 19-38), Jackson (pages 39-53), and Oakland (pages 54-80) Counties.

### 3.1.2.1 Genesee CHD

The audit team reviewed follow-up for 2 TCR MCL violations, 1 each at Doodle Bugs Daycare (MI2521493) and Otisville Assembly of God (MI2520744). The audit team found that Genesee CHD did not follow its procedures for these violations. The following problems were noted:

- The LHD did not issue NOV letters for the 2 violations reviewed. However, there were signed copies of PNs the systems posted for these violations in the files. The LHD apparently delivered the PN to Doodle Bugs Daycare during a site visit for the 7-9/98 TCR MCL, but this site visit is not documented well.
- There is no documentation that the Doodle Bugs Daycare was instructed to chlorinate the well and take check samples. Also, this system was returned to compliance after the 7-9/98 MCL violation based on 1 negative check sample, instead of 2 as required by the NC PWS Manual.
- There was no documentation of the LHD notifying these systems they were returned to compliance, should lift PMs, and collect 5 routine samples the next month.
- Genesee CHD did not charge Otisville Assembly of God with a major routine M/R violations even though the system was two months late in taking these samples.

The audit team made the following additional observations:

- Although outside the EV period of review, the MCL violation that began in 9/2000 at Dutchmen's Deli (MI2521111) was not resolved until 1/3/01. The LHD should consider temporarily revoking system's food license in such cases.
- There is no documentation in the files that the LHD notified Dutchmen's Deli, Grand Blanc Court Club (MI2520179), or Affairs to Remember (MI2520899) to take 5 routine samples the next month after the systems had a positive routine sample on 9/27/99, 3/29/00, and 3/8/00, respectively.

### 3.1.2.2 Jackson CHD

The audit team reviewed 5 NCWS files for follow-up to 6 TCR MCL violations. The audit team found that Jackson CHD generally followed its procedures for 2 of the MCL violations. The team found the following problems with the other violations:

- NOV letters were not in the files for 4 of the TCR MCL violations at 3 systems (2 at Beach Bar (MI3820042) and 1 each at Wildwood Acres Campground (MI3820084), and Travel Lodge (MI3820230). However, except for the 1-3/99 MCL violation at Beach Bar, there was documentation in the file that the LHD took follow-up actions to protect public health including calls, visits, or letters to instruct the systems regarding repeat samples, posting PN, and well chlorination. A copy of a PN signed by the system and the LHD was in the Beach Bar file for the 1-3/99 violation, and the system collected 2 negative check samples, and 5 routines the next month. The LHD also sent return to compliance letters to the system for 2 of these violations. One of these letters instructs the system to take 5 routine samples the next month. There were copies of a signed PN posted by the system or the LHD in the file for all 4 MCL violations.

However, MDEQ noted in its response to the draft EV Report that it did not ask the LHDs for and, presumably, did not receive all documents from the files such as information on site visits, meetings, telephone logs, field notes, permits, etc.

The audit team also reviewed LHD follow-up for the following TCR MCL violations that had not been reported to SDWIS.

- An NOV letter was not in the file for the 7-9/98 TCR MCL violation at Deer Run Golf Club (MI3820132) reported late to SDWIS. However, the LHD took follow-up actions to protect public health. The LHD required the system to take repeat samples and post PN, and sent a return to compliance letter after the system collected negative check samples.
- Jackson CHD should have charged Deer Run Golf Club with a minor repeat M/R violation because the system did not collect all the required repeat samples within 24 hours of being notified of the positive routine sample.
- An NOV letter was not in the files, and apparently not issued for the 6/00 TCR MCL violation at Waterloo Recreation Area (MI3820697) that should have been reported in addition to the reported 4-6/00 TCR MCL. The system was on a monthly monitoring schedule and required to collect 5 routine samples during June because it had been cleared of an MCL violation by the LHD in May. There is no documentation that the system was required to post PN for this violation. However, the file documents that the well was chlorinated within approximately one week of the MCL violation. The system had a positive check sample in July. The LHD sent the system a "sequence of events"

sheet on 7/24, and a return to compliance letter on 8/10/00 after the system collected 2 consecutive negative check samples.

The audit team made the following additional observations:

- Very timely response to positive samples.
- The 6/29/00 NOV letter to Pulaski Free Methodist Church instructs the system to collect 5 routine samples the next month from the well instead of a distribution system tap as required by TCR, and does not instruct system to return a signed/dated copy of its PN.
- Copies of signed/dated PNs from the systems were in the files for all 6 of the MCL violations in SDWIS , and for 1 of the 2 MCL violations that had not been entered into SDWIS.

#### 3.1.2.3 Oakland CHD

The audit team reviewed follow-up for a total of 5 TCR MCL violations (4 at Holly Recreation Area (MI6322161) and 1 at Highland Hills Christian School (MI6321476). The audit team found that the Oakland CHD did not follow its procedures for any of these violations. The team found the following problems with these violations:

- For the 4 MCLs at Holly Recreation Area there was no documentation that the system was chlorinated, and that public health was protected. Also, there was also no evidence that a site visit was conducted during the nearly 2 years of repeated MCL violations. Following the EV, MDEQ advised R5 that Oakland CHD assured them the pump handle had been removed and PN was posted during the MCL violations. Also, MDEQ noted in its response to the draft EV Report that it did not ask for and, presumably, did not receive all documents from the files such as information on site visits, meetings, telephone logs, field notes, permits, etc.
- Also, the 5 positive routines taken at Holly Recreation Area on 4/29 were invalidated incorrectly. In this case, where the State has substantial grounds to believe that a total coliform positive result is due to a circumstance or condition which does not reflect water quality in the distribution system, the invalidation must follow 40 C.F.R. Section 141.21(c) (iii). There was no documentation that the invalidation was approved by a supervisor, and the system agreed to follow the LHD recommendation regarding improved sampling technique as required by this Section.
- For the 4-6/00 MCL violation at Highland Hills Christian School, the LHD's 6/21/00 "Partial Return to Compliance Letter" incorrectly instructs the system that the bathroom sink has returned to compliance, but not the kitchen tap, and that, except for the kitchen tap, water from all taps can be used for drinking and consumption purposes. DWRPD

procedures for follow-up to TCR MCL violations do not allow systems to be partially returned to compliance. The requisite number of consecutive satisfactory check samples must be obtained using the results from all taps that are tested. There is no documentation that 2 consecutive satisfactory check samples were ever obtained from the kitchen tap.

The audit team made the following additional observations:

- NOV letters were issued for each violation that required a system to post the enclosed PN and return a signed/dated copy. A copy of a signed PN returned from the system were in the files for 4 of the 5 violations.
- None of these repeat samples for the above positive routine sample were taken at the raw water sample tap as required by the State NCWS protocol.

### **3.2 Monitoring and Reporting Violation Follow Up**

DWRPD Noncommunity Unit staff advised that the 2/93 flow chart entitled MDPH (now MDEQ/DWRPD) Monitoring Violations - Noncommunity Flow Chart Showing "Timely and Appropriate" Actions should show that formal enforcement is initiated after a system becomes a chemical/radiological monitoring SNC (i.e., fails to monitor for a chemical/radiological contaminant for 2 consecutive compliance periods), instead of after a single chemical/radiological monitoring violation. The flow chart should show issuance of an informal NOV for the first chemical/radiological M/R violation. The audit team has assumed the counterpart CWS flow chart is also incorrect in this regard. EHS, BHCF, and LHDs that had adopted the State Civil Fine Policy and Procedures should have been issuing fines to systems with monitoring violations before they become M/R SNCs.

#### **3.2.1 Community Water Systems**

For M/R violations at CWSs, the EV team checked for timely issuance of an informal NOV letter and adherence to the State Civil Fines Policy and Procedures for public water supplies. The EV team checked if NOV letters required the system to issue a PN for the violation, provided an example PN for the system to use, and required the system to return a signed/dated copy of the PN. NOV letters or other written notification should warn systems of \$200 fines for second M/R violation for the same contaminant within a 12-month period; or assess \$200 fines after systems have a second violation within a 12-month period, and \$400 fines after systems have a third and any additional violations. For annual and less frequent monitoring, the EV team looked for a reminder/fine warning notice sent approximately 30 days before the end of the compliance period, and a NOV/fine letter. The EV team also looked for formal enforcement against any M/R significant noncompliers (SNC).

See Appendix B for the audit team's findings on how well procedures were followed for each violation reviewed at EHS mobile home park systems (pages 1-15), and BHCF nursing home systems (pages 16-19).

#### 3.2.1.1 EHS

The audit team reviewed follow-up for 16 M/R violations (7 TCR, 5 nitrate, 1 LCR initial tap, 1 arsenic, and 2 gross alpha). The audit team found that EHS generally followed its procedures for all 16 of the M/R violations.

The audit team made the following additional observations:

- EHS sends systems annual sampling schedules in January showing which water tests are due for that year. The schedule shows the date the system last tested for a contaminant, the deadline of the next sample, and the dates that samples should be collected and reported to the state during the year.
- All 16 NOV letters included the required fines and warnings. After the EV, EHS provided R5 with copies of R/FW notices issued for the above samples before the fines were issued, and other R/FW notices that Region 5 requested from DO files.
- EHS issued NOV letters for all 16 violations that require the system to post PN and send a signed/dated copy of the posting back to EHS. However, copies of signed/dated PNs returned from the system were noted in only 2 of the files.
- The 12/20/99 NOV letters issued to University MHPs #1 (MI00040324) and #2 (MI00040325), and Lincoln Estates MHP (MI004001) state these systems had a federal and state violation by missing the newly imposed 9/30/99 state annual sampling deadline for Partial Chemical (nitrate, nitrite, and fluoride), and volatile organic contaminants (VOC). The reference to a federal violation is incorrect.

#### 3.2.1.2 BHCF

The audit team reviewed follow-up for 3 M/R violations. The audit team found that BHCF generally followed its procedures for 1 of these M/R violations. The team found the following problems with the other 2 violations:

- The NOV letters BHCF sent for these violations should have warned the system that a \$200 fine would be assessed if the system missed another sample within a specified 12 month period.



- BHCF NOV letters require the system to post PN and send a signed/dated copy of the posting back to BHCF. However, copies of signed/dated PNs returned from the system were not in the files for any of these violations.

### **3.2.2 Noncommunity Water Systems Overseen by Contract LHDs**

For M/R violations at NCWSs, the audit team checked for timely issuance of an informal NOV. The EV team checked if NOVs letters required the system to issue a PN for the violation, provided an example PN for the system to use, and required the system to return a signed/dated copy of the PN.

Because Genesee CHD adopted the State Civil Fine Policy and Procedures prior to the beginning of the EV review period, the audit team also checked Genesee CHD's adherence to the policy and procedures. Genesee CHD's adherence to the Civil Fines For Failure to Monitor flow chart (see Appendix A) sent to LHD Environmental Health Directors in July 1997 was also checked. Under the fine policy, failure to collect all samples and report results from sampling events scheduled more frequently than once per year (i.e., TCR quarterly routine samples, repeat samples, and five routine samples the month following a positive sample) constitutes a monitoring violation. The first monitoring violation during a 12-month period should be followed by a written warning (NOV letter, etc.) that the system will be fined \$200 if it incurs a second violation within a 12 month period. If the systems incurs a second monitoring violation during this time frame, it should be assessed a \$200 fine. If the system has additional monitoring violations within the 12-month period it should be assessed a \$400 fine for each.

The NCWS program modified the above policy and procedures slightly by including LCR 6-month initial tap monitoring violations with annual and less frequently scheduled monitoring as reflected on the Civil Fines For Failure to Monitor flow chart. For violations for the less frequently scheduled monitoring, the EV team checked for reminder/fine warning notices sent approximately 30 days before the end of the compliance period. The EV team also checked for issuance of NOVs with \$200 fines for these types of monitoring violations that warn of \$400 fines if the system does not sample within 30 days, and issuance of NOVs with \$400 fines. The audit team also looked for reminder/fine warning letters sent before the end of the monitoring periods, particularly for LCR 6-month initial tap monitoring and all annual and less frequent monitoring.

The EV team also looked for formal enforcement against any M/R significant noncompliers (SNC).

For Jackson and Oakland CHDs which did not adopt the State Civil Fines Policy and Procedures until after the EV period of review, the audit team checked for issuance of an informal NOV letter, and initiation of formal enforcement after the system became an M/R SNC.

See Appendix B for audit team findings on how well procedures were followed for each violation reviewed at systems located in Genesee (pages 19-38), Jackson (pages 39-53), and Oakland (pages 54-80) Counties.

#### 3.2.2.1 Genesee CHD

The audit team reviewed follow-up for 32 M/R violations (14 TCR, 9 nitrate, 8 LCR initial tap, and 1 inorganic contaminant (IOC)). The audit team found that Genesee CHD generally followed its procedures for 18 cases (8 TCR, 7 nitrate, 2 LCR initial tap, and 1 IOC) of M/R violations. The team found the following problems with the other 14 cases:

- Copies of informal NOVs in SDWIS were not in the file for a 4-6/00 TCR M/R violation at 2 systems: Genesee Grand Junction Center-VG's Well (MI2520727), and Georgie's Market (MI2520963).
- A civil fine in SDWIS was not in the file for 2 violations at Olde Autumn Lounge (MI2520504), 1998 annual TCR, and nitrate M/R violations.
- Dog House Lounge (MI2520539) should have been issued a R/FW notice and a \$200 fine for the 1998 nitrate M/R violation, instead of being issued an informal NOV.
- R/FW notices were not sent before the end of the monitoring period to 3 systems fined for an LCR initial tap monitoring violation, and 1 system fined for an annual TCR M/R violation.
- Fines, instead of R/FW notices should have been issued for 4 violations (2 LCR initial tap and 2 annual TCR M/R violations).
- The 1/15/99 civil fine letter issued to Beta Theta Pi (MI2521364) for the 7-12/98 LCR M/R violation, should have assessed a \$400 fine instead of \$200 fine. The 7/22/98 civil fine letter for the 1-6/98 LCR M/R violation warned the system it will be fined \$400 if it has another LCR M/R violation in the next 12 months.

The audit team also made the following additional observations:

- \$200 civil fines were assessed for 22 of the 32 violations reviewed.
- NOV letters were timely (within 2-3 weeks).
- Usually at least one and often two R/FW notices were issued for quarterly TCR samples from mid-1998 to mid-2000, and three notices were issued for the 1999 annual nitrate samples.

- 5 of the 16 systems reviewed were notified in a 2/8/2000 letter they were being taken off reduced (annual) TCR monitoring because they did not collect a TCR sample in 1999, and had to begin monitoring quarterly beginning the first calendar quarter of 2000. They were also fined \$200 for the violation.
- Annual monitoring schedules were sent to the systems near the beginning of 1999 and 2000.
- The 7/12/99 NOV/\$200 civil fine issued to Genesee Grand Junction (MI2521511) for the 1<sup>st</sup> half 1998 LCR M/R violation should have set a new due date in 30 days, and warned the system that it would be fined \$400 if it failed to sample by this date. This omission was also noted in other NOV/CF letters. After the EV, DWRPD advised Region 5 that it notified Genesee CHD concerning this, and that Genesee CHD has agreed to begin including this in their NOV/CF letters.
- LHD carbon copy of MDEQ's 1/25/00 letters to Beta Theta Pi (MI2521364) for delinquent payment of the civil fines Genesee CHD assessed for lead/copper, and bacteriological M/R violations documents MDEQ tracking of civil fine payment and providing feed-back to the LHD.
- The R/FW notices issued in 9/98, 3/99, 5/99, and 6/99, incorrectly state that the State authorizes \$200 fines for the 1<sup>st</sup> quarterly monitoring violation. MDEQ's civil fine policy, requires that a R/FW notice be issued for the 1<sup>st</sup> quarterly violation, and a civil fine for the second and each subsequent violations. The other R/FW notices, most of which were issued later, contained correct fine policy language.
- 11/1/99 letter (handwritten note on it says it was sent to system on 1/31/00) instructed Genesee Grand Junction Center-VG's Well (MI2520727) that its next LCR sample was due by 6/30/01. However, it should have said it was due by 12/31/00 because the system had not yet sampled during two consecutive rounds, and did not sample during the 1<sup>st</sup> or 2<sup>nd</sup> half of 1999.
- There was no documentation in the file that Genesee CHD notified MDEQ that it rescinded the 1/24/00 civil fine issued to Grand Blanc Court Club (MI2520179) because the system had a new owner. MDEQ's civil fine procedures require LHDs to notify MDEQ regarding rescinded fines within 15 days.
- Enforcement procedures were not followed for most of the following TCR and LCR M/R violations that were not reported to SDWIS (see Appendix C for details on individual CHD and PWS unreported violations): 5 quarterly major routine (enforcement procedures were followed for 1 of these violations); 1 monthly (either major or minor) routine; 1 monthly minor routine; 1 TCR annual major routine (enforcement procedures were followed for this violation); and 2 LCR initial tap.

- NOV letters require system to provide PN, and return a copy of its signed/dated PN, and includes an example PN for system to use, but a copy of a signed/dated PN from the system was only found for one violation.

### 3.2.2.2 Jackson CHD

The audit team reviewed follow-up for 21 M/R violations (15 TCR, and 6 nitrate). One other TCR M/R violation was not reviewed because it was a reporting error. The audit team found that Jackson CHD generally followed its procedures for 9 cases (7 TCR, and 1 nitrate M/R violations). The audit team found the following problems with the other 12 cases:

- Copies of NOV's sent to the system, or PN's sent to or returned from the system were not found in the files for any of these violations.

The audit team also made the following additional observations:

- There is no documentation in the Kingdom Hall (MI38203950) file to indicate if the system was on a quarterly or annual TCR monitoring schedule during the period of review. Also, there was no documentation in the Pulaski Free Methodist Church (MI3820083) file to indicate if the system was on a quarterly or annual TCR monitoring schedule during 1998 and 1999. However, MDEQ noted in its response to the draft EV Report that it did not ask the LHDs for and, presumably, did not receive all documents from the files such as information on site visits, meetings, telephone logs, field notes, permits, etc.
- Monitoring reminder/enforcement warning notices were noted for a 10-12/99 TCR and 1999 nitrate sample, and sanitary survey letters instruct systems to collect quarterly TCR samples early in the quarter.
- The sanitary survey letter to one transient noncommunity system requires annual VOC sampling because it is located in an underground storage tank area.
- Enforcement procedures were not followed for TCR M/R violations during the EV period of review that were not reported to SDWIS (see Appendix C for details):
- The NOV for a 7-9/98 TCR M/R violation at Twin Knolls Golf (MI3820299) instructs the system to post PN using the example provided, but does not request that the system return a signed/dated copy of the PN it posts. However, an NOV letter for a 4-6/200 TCR M/R violation does instruct the system to return a signed/dated copy of the PN. The example PN provided to the system has also been improved by including information on health effects of bacteriological contaminants, and on LHD and system contact information.

- In the case of 9 violations for which there were NOV's in the files, there was no copy of a PN returned from the system in the system files.

### 3.2.2.3 Oakland CHD

The audit team reviewed follow-up for 50 M/R violations (39 TCR, 8 nitrate, 1 LCR initial tap, 1 IOC, 1 cyanide, and 1 volatile organic contaminant (VOC).) One other nitrate M/R violation was not reviewed because it was a reporting error. The audit team found that Oakland CHD generally followed its procedures for 28 cases (20 TCR, 6 nitrate, 1 cyanide, and 1 LCR initial tap M/R violations). The audit team found the following problems with the other 22 cases (19 TCR and 1 nitrate, 1 IOC, and 1 VOC M/R violations):

- Oakland CHD should have initiated or followed through with formal enforcement for the other 19 TCR M/R violations at 6 systems because the systems were TCR M/R SNCs [Highland Lanes (MI6320174), Crossroads Free Will Baptist Church (MI6321365), Engineering Tube Specialties (MI6322274), Indianwood Golf & County Club (MI6321501), Essco Square (MI6320012), and Beck Village Plaza (MI6322119)]. A formal NOV and request for informal conference should have been issued for 17 of these violations, and the LHD should have followed through sooner in issuing an Administrative Order to Crossroads Free Will Baptist Church for 2 of these violations.
- There was no informal NOV letter or PN issued to or received from the system in the files for 1 nitrate, 1 IOC, and 1 VOC M/R violation.
- NOV letters issued prior to approximately 3/2000 did not request that the system return a signed/dated copy of the PN provided to the system to post. NOV's issued after this date did request the system to return a signed/dated copy of the PN. However, copies of signed PNs returned by the system were not found in the files for these later violations either.

The audit team made the following additional observations:

- Informal NOV's have become more timely.
- TCR monitoring reminder notices issued in late 1998, and NOV letters issued throughout the review period warned of civil fines even though Oakland CHD did not adopt the state civil fine policy and begin assessing fines until late 2000. Despite these warnings, M/R violations continued at some systems. Beck Village Plaza continued to fail to comply even after it was issued a State Administrative Order (SAO). However, after the LHD adopted the State civil fine policy and started assessing fines in late 2000, this system and other systems reviewed during the EV started to comply. Past due annual fees were also collected from this system.

- Pre-Hearing Conference Notices warn of further enforcement for failure to appear at the conference, and fines, and enforcement against the system's food service license for continued monitoring noncompliance. Systems are requested to collect samples and bring them to the conference. Systems sign Monitoring Agreements with the LHD at the conference.
- There was no documentation in the files to indicate when Odyssey Water Supply (MI6321401), and Union Lake Medical Building (MI6320220) were changed from annual to quarterly TCR monitoring. However, MDEQ noted in its response to the draft EV Report that it did not ask the LHDs for and, presumably, did not receive all documents from the files such as information on site visits, meetings, telephone logs, field notes, permits, etc.

### **3.3 Lead Action Level Exceedance Follow-Up**

#### **3.3.1 Community Water Systems**

For lead action level exceedances at CWSs, the audit team checked for adherence to the follow-up monitoring, public education (PE), and corrosion control treatment requirements of 40 C.F.R. Part 141, Subpart I, Control of Lead and Copper. The audit team checked for documentation that systems were properly instructed to deliver public education, perform water quality parameter (WQP) monitoring at points of entry and in the distribution system, source water lead and copper monitoring, and submit an optimal corrosion control treatment recommendation. The audit team also checked for State tracking and follow-up.

Only EHS water systems were included in this review, because MDEQ exempted all nursing homes overseen by the BHCF from the LCR until the LCR Minor Revisions (LCRMR) clarified that these water systems must comply with the LCR. These systems had to begin lead and copper initial tap monitoring during the 7-12/2000 compliance period. The audit team noted that BHCF notified nursing homes of this monitoring requirement, and provided appropriate compliance information. The LCRMR also clarified that the "lead free" mobile home parks that MDEQ had also exempted from the LCR must comply with the LCR, and likewise begin lead and copper initial tap monitoring during the 7-12/2000 compliance period. The audit team noted that EHS notified these systems of LCR requirements and provided appropriate compliance assistance information.

See Appendix B, pages 1-15 for a more detailed review of how EHS followed procedures for lead action level exceedances.

##### **3.3.1.1 EHS**

The audit team reviewed follow-up for 2 lead action level exceedances at one system, Crosswinds MHP (MI0040114). The audit team found that EHS generally followed procedures

for follow-up monitoring, public education, and corrosion control treatment for both action level exceedances. EHS instructions to the system, and compliance tracking and follow-up were documented in the file. Example PE materials, and reminder letters for repeating PE and WQP monitoring were sent to the system, and a permit for installing corrosion control treatment equipment was issued after the system submitted a treatment plan.

The audit team made the following additional observations:

- EHS issued the system an NOV on 12/4/00 which includes a fine warning for its failure to take all repeat WQP samples by 8/3/00.
- The 12/3/98 letter following the 9/28/98 lead action level exceedance, and 6/13/00 letter following the 6/11/00 lead action level exceedance gave the system longer to perform WQP monitoring (until 6/30/99, and 8/3/00 respectively), than allowed by the LCR, (i.e., until the end of the compliance period when the action level exceedance occurred). The 3/7/01 letter instructing the system to perform WQP monitoring by 6/30/01 and PE by 5/31/00 because of the continuing action level exceedance did not contain this error.
- The 6/13/00 letter required the system to collect 2 WQP samples 24 hours apart at 2 distribution system taps, but the 12/3/98 letter required sampling at only 1 distribution system tap as required by the LCR for a system that serves this population.
- EHS should not have placed the system on annual sampling until it collected a set of 10 samples during 2 consecutive 6-month compliance periods. The 9/30/98 R/FW notice should have instructed the system to collect 10 samples for the 7-12/98 compliance period instead of 5 for the 1998 annual compliance period, and collect another set of 10 samples for the 1-6/99 compliance period. Systems must perform 2 consecutive 6-month rounds of initial tap monitoring before they can be placed on reduced annual monitoring.
- The 6/11/00 lead action level exceedance should have been reported for the 1-6/00 compliance period, not for the 1-12/00 annual monitoring period.

### **3.3.2 Nontransient Noncommunity Water Systems Overseen by Contract LHDs**

For lead action level exceedances at NTNCWSs, the audit team checked for conformance to procedures for follow-up monitoring, PE, and corrosion control treatment requirements in Michigan's approved LCR primacy package. The audit team checked for adherence to Section 1, Part 2 ("Summary of Requirement When "Action Level" is Exceeded for Lead/Copper") of the "Drinking Water Monitoring for Nontransient Noncommunity Systems" booklet sent to NTNCWSs on August 1, 1993, that includes the "Lead/Copper Rules Nontransient Systems Serving <3,301" flow chart (Appendix A). MDEQ provided the audit team with status sheets for

the lead action level exceedances reviewed during the EV that were prepared by the DWRPD Noncommunity Unit with input from the LHDs.

The audit team checked for documentation that the system was properly instructed to deliver PE (and provided a sample PE notice containing all the mandatory language for its use), returned a signed copy of the PE notice it delivered, performed source water lead and copper monitoring, selected a treatment option and submitted an implementation proposal. Michigan allows NTNCWSs to conduct a treatment study to provide more time to select an appropriate treatment process to install, and proceed to reduce lead levels through a lead/copper source identification and removal program. The audit team checked if systems choosing this option tested all drinking water taps for lead/copper before the end of the next 6-month compliance period, replaced all taps where the lead action level was exceeded, and retested at these locations as required by MDEQ. The audit team also checked if retest results were below the action levels. Michigan also allows NTNCWSs to postpone WQP monitoring during the initial treatment study. However, if it is determined that lead and copper source identification and removal efforts will not eliminate the elevated lead or copper levels in the system, the water system has to pursue the corrosion control treatment option which includes WQP sampling.

MDEQ/LHDs encourages systems to use voluntary flushing (or removal from service) to reduce lead/copper at taps with elevated levels while fixture repair/replacement or additional studies are underway.

The LHDs do not have access to sample location information in MDEQ's laboratory database through their link to the MDEQ NCWS program's T2 data system to facilitate tracking of compliance with sample location requirements for lead and copper sampling.

See Appendix B for audit team findings on how well procedures were followed for each lead action level exceedance reviewed at systems located in Genesee (pages 19-38), and Oakland (pages 54-80) Counties.

#### 3.3.2.1 Genesee CHD

The audit team reviewed follow-up for 1 lead action level exceedance. The audit team found that Genesee CHD generally followed its procedures for this action level exceedance.

A notice dated 6/1/98 of a 6/2 public meeting at Rankin Elementary School (MI2520648) with the school district, Genesee CHD, and MDEQ included all mandatory PE language. It states that the system is voluntarily instituting, as an extra precaution, a daily process of flushing the entire water supply system until subsequent testing indicates safe levels. A fax cover sheet from the system says the notice was being sent to staff and students. However, the statement in the notice



that the exceedances "...were from fixtures that receive very little or no use for drinking water..." may not be accurate since they included a "kitchen", and "kitchen food prep sink" taps.

Based on the file and lab results printout, the system appears to have met the requirements for systems opting to perform a lead/copper source identification and removal program. It appears that all drinking water taps, and the source water was tested for lead/copper before the end of the next 6-month compliance period. There is also documentation in the file (including the system's PE notice) that taps where the lead action level was exceeded had been replaced, and these locations were retested and the results were below the action levels.

After further discussion with MDEQ, it was determined that the lead action level was not exceeded for the 1-6/98 period. On 5/30/98 the system replaced the 3 taps that exceeded 15 micrograms/liter in 1/98 and 5/98. The system re-sampled these taps in 6/98, and the results were all below 15 micrograms/liter. One additional tap sampled in 6/98 exceeded 15 micrograms/liter, but the system did not exceed the lead action level for the 1-6/98 compliance period. The system replaced this additional tap, and the results of a re-sample taken on 7/10/98 was below 15 micrograms/liter.

However, the audit team found the following problems with this lead action level exceedance:

- There was no documentation of LHD communications with the system regarding the action level exceedance.
- Based on the Noncommunity Unit's status sheet for this lead action level exceedance, it appears Genesee CHD allowed the system to halt corrosion control treatment installation steps prematurely. The 2/11/99 inorganic sample was not a first flush sample as required by the LCR, so the system did not have results below the action levels for 2 consecutive 6-month rounds as required. However, after further discussion with MDEQ, it appears that either: the reference to a 7-12/97 lead action level exceedance ( 90<sup>th</sup> percentile of .0432 milligram/liter) on the NC Unit's status sheet is an error; or these samples, which are not in the State laboratory's database, were analyzed by a private lab, and Genesee CHD did not forward them because they preceded the EV review period.
- Also, based on the Noncommunity Unit's status sheet for this lead action level exceedance, it appears the system had a previous lead action level exceedance during the 2<sup>nd</sup> half of 1997 (90<sup>th</sup> percentile lead value of 43.2 micrograms/liter). The 9/21/97 SOX date linked to the systems 7-12/93 LCR initial tap M/R violation in SDWIS suggests the system did sample during the 2<sup>nd</sup> half of 1997. However, this action level exceedance was not documented in the file, or the printout from the State lab results database reviewed during the EV. According to the lab results printout the system sampled during the 2<sup>nd</sup> half of 1994, 1<sup>st</sup> half of 1995, and the 2<sup>nd</sup> half of 1995, and did not sample again

until the 1<sup>st</sup> half of 1998. Also, the system's 6/1/98 PE notice states that this is the first time the system had exceeded the lead action level. However, after further discussion with MDEQ, it appears that either: the reference to a 7-12/97 lead action level exceedance ( 90<sup>th</sup> percentile of .0432 milligram/liter) on the NC Unit's status sheet is an error; or these samples, which are not in the State laboratory's database, were analyzed by a private lab, and Genesee CHD did not forward them because they preceded the EV review period.

### 3.3.2.2 Jackson CHD

No lead action level exceedances had occurred at NTNCWSs in Jackson County for the audit team to review.

### 3.3.2.3 Oakland CHD

The audit team reviewed follow-up for 3 lead action level exceedances (1 each at 3 systems). The audit team found that Oakland CHD did not follow its procedures for 2 of these action level exceedances. (For the third of these exceedances, procedures were followed, except that there was no documentation that the system's initial PE notice in the file, which includes all of the mandatory PE language, was distributed to each employee.) The audit team found the following problems with these action level exceedances:

- For the lead action level exceedance at Clarkston Mills (MI6321548), the audit team could not find any documentation in the file or on the State lab printout that the system collected a source water sample.

Also, there was no documentation that taps with exceedances were replaced, retested, and re-tests were below the action levels.

- For the lead action level exceedance at GM Proving Grounds (MI6321419), a signed/dated copy of the PE notice GM sent to the CHD with a copy of a 7/31/00 memo from Worldwide Facilities Group, Environmental Services to Milford Proving Ground managers was not in the file.

There is also no documentation that the PE notice was distributed to each employee. (It appears all employees did receive the PE for the 1/20/01 lead action level exceedance via the 2/8/01 memo to Proving Ground employees "Update to Proving Ground Drinking Water Issues" in the file.)

- For the lead action level exceedance at B & V Construction (MI6321783), there is no documentation that the system took any of the required steps following the 8/3/94 lead action level exceedance at a bath tap, or of LHD compliance assistance/enforcement follow-up with the system following its 9/6/94 letter regarding the 8/3/94 lead action level exceedance. The 9/6/94 letter (prior to EV period of review) required the system to re-sample, and identify each of the 2 bath taps on the lab slip so they can be differentiated. It advises the system that a PE program, additional monitoring, and a plan to reduce lead/copper levels is required, and to contact the LHD or MDEQ for additional information. There is no documentation that the system undertook a lead/copper source identification and removal program, or that it retested the tap where the action level exceedance occurred.
- There is also no documentation in the file that the 8/3/94 lead action level exceedance was invalidated by the LHD based on improper sampling location, etc. It appears that Oakland CHD may have lost track of the 8/3/94 lead action level exceedance. Based on the lab database printout, the system next sampled in 5/96. The CHD entered into a monitoring agreement (bilateral compliance agreement) with the system on 11/16/95 for LCR initial tap monitoring for the 2<sup>nd</sup> half of 1995, and 1<sup>st</sup> half of 1996, and charged it with M/R violations for the 2<sup>nd</sup> half of 1995, 2<sup>nd</sup> half of 1996, and 1<sup>st</sup> half of 1997.

### 3.4 CCR Violation Follow Up

#### 3.4.1 Community Water Systems

The audit team checked for issuance of an informal NOV letter. The audit team also checked for information sent to systems regarding CCR requirements.

##### 3.4.1.1 EHS

The audit team reviewed follow-up for 2 CCR violations (1 each at 2 systems). The audit team found that EHS followed its procedures for both violations. However, informal NOV and return to compliance codes had not been entered into SDWIS for these violations.

See Appendix B, pages 1-15 for a more detailed review of how EHS followed procedures for these and the other violations reviewed.

##### 3.4.1.2 BHCF

The audit team did not review any CCR violations at BHCF water systems.

It was noted that BHCF sent systems letters that discussed CCR annual reports and source water assessment requirements in 1/99, and providing information on how to write a CCR, and on LCRMR monitoring changes in 4/2000.

#### **4.0 VERIFICATION OF ENFORCEMENT DATA IN SDWIS**

The audit team compared the enforcement and associated violation information in the files with the information reported to SDWIS. Specifically, the team checked whether or not: the violations in the file matched SDWIS, there were records in the file for the enforcement actions in SDWIS, and the appropriate violations were correctly linked with each enforcement action. For violations found in the files that were not reported to SDWIS, the audit team noted any documentation that the State/LHD was aware of the violation and enforcement follow-up was taken. There may be additional unreported violations during the review period that were not noted by the audit team. Unreported violations are summarized here and listed in Appendix C.

See Appendix B for audit team findings on enforcement and violation data at EHS mobile home park systems (pages 1-15), BHCF nursing home systems (pages 16-19), and systems located in Genesee (pages 19-38), Jackson (pages 39-53), and Oakland (pages 54-80) Counties.

#### **4.1 Community Water Systems**

##### **4.1.1 EHS**

- No unreported MCL or M/R violations were noted for the 18 MHPs included in the EV.
- NOV's issued for 1999 CCR violations at Lincoln Pines Mobile Home Park (MI0040586), Bay Shore Estates Mobile Home Park (MI040128), and a 1-6/00 WQP M/R violation at Crosswinds MHP (MI00040114) were not in SDWIS. (However, State PN request, PN received, and return to compliance codes/dates were reported to SDWIS. The CCR NOV's were issued before MDEQ had adopted administrative rules for CCRs in January, 2001.
- The MCL violation for Alan's Park-West (MI0040460) should have been reported for the 4-6/00 compliance period, not the 6/00 compliance period because it occurred when the system was on quarterly monitoring.
- 12/20/99 NOV letters issued to University MHPs #1 (MI0040324), and #2 (MI0040325), and Lincoln Estates MHP (MI0040001) state the system had a Federal and State violation by missing the newly imposed state annual sampling deadline of 9/30/99 for Partial Chemical (nitrate, nitrite, and fluoride), and volatile organic contaminants (VOC). The reference to a Federal violation is incorrect.

- The 1999 nitrate M/R violation for Lincoln Estates MHP is not a Federal violation because the system sampled before the federal compliance period of 1-12/99 on 12/20/99. EHS advised that this violation was entered in error, and MDEQ's policy is not to enter violations of shorter state assigned monitoring periods, if a system samples before the end of the federal period.
- The 6/11/00 lead action level exceedance at Crosswinds MHP (MI0040114) should have been reported for the 1-6/00 compliance period, not the 1-12/00 period.
- There is no signed PN received from Country Hill Pines Mobile Home Park (MI0040591) for the 11/98 violation in the file, but there is an 11/7/98 State PN received (SIF) date in SDWIS.

#### 4.1.2 BHCF

- No unreported MCL violations were noted. 3 unreported M/R violations (2 TCR minor routine, and 1 TCR minor repeat) were noted at 1 of the 3 systems included in the EV.
- All of the NOV's in the files for the violations reviewed were entered into SDWIS.
- The 1/99-TCR MCL at Glenwood Christian Nursing Home (MI00626258) is a reporting error since there were no positives found in the 1/14 or 3/16 samples, and the enforcement actions coded into SDWIS match the 4-6/99 MCL.
- Also, this MCL, and the 9/98 violation should have been reported as a "quarterly violation" instead of a "monthly" MCL violation because system was on quarterly monitoring schedule. After the EV, BHCF changed the 1/99 MCL to a 4-6/99 MCL in SDWIS. This system monitors for TCR quarterly.
- The begin date of the TCR M/R violation at the above system for the 10-12/99 quarter should be 10/1/99 instead of 10/31/99.

## 4.2 **Noncommunity Water Systems Overseen by Contract LHDs**

### 4.2.1 Genesee CHD

- No unreported MCL violations were noted. For 7 of the 16 systems included in the EV, there were 10 unreported M/R violations [5 TCR quarterly major routine (LHD followed its enforcement procedures for 1 of these), 1 TCR monthly (either major or minor)]

routine, 1 TCR monthly minor routine, 1 TCR annual major routine (LHD followed its enforcement procedures), and 2 LCR initial tap]

- All of the NOV's in the files for the violations reviewed were entered into SDWIS.
- Not all civil fines are being coded into SDWIS using the SFM code (State Administrative Penalty assessed). The SFM code was not entered for 10 violations for which systems were assessed a civil fine. Informal NOV (SIA) codes/dates were entered for these violations.
- It appears that 2 TCR, 1 nitrate, and 1 LCR M/R violation during 1998 and 1999 should not have been entered into SDWIS, or should have later been removed from SDWIS.
- The 7-9/98 TCR MCL at Otisville Assembly of God (MI2520744) should have been reported instead for 8/98 because the system took 5 samples in 8/98 as required because it had a bacti positive sample the previous month.
- The return to compliance code (SOX) should have been entered into SDWIS for a 1999 nitrate violation after Doodle Bugs Daycare (MI2521493) sampled in 2/00.
- Discrepancies in the dates of informal NOV's (SIA) in SDWIS versus the actual dates of the letters were noted during the EV. DWRPD staff provided the following explanation for this. When violations are generated in the T2 database, the program assumes the sanitarian will be sending out violation notices the same day, and therefore uses the current date as the SIA date. The LHD needed to submit its quarterly data to the state before it got a chance to prepare and send out the violation notices. MDEQ accepts minor discrepancies because they cannot easily change the computer program.

#### 4.2.2 Jackson CHD

- For 5 of the 16 systems included in the EV, there were 1 unreported TCR MCL violation [when system was on increased monitoring following an MCL violation (LHD follow up is documented)], and 9 or possibly 10 TCR unreported M/R violations. (However, if the one system that did not sample during 1999 was supposed to monitor annually during 1999 rather than quarterly, these totals become 6 or possibly 7 unreported TCR M/R violations.) See Appendix C for details on individual CHD and PWS unreported violations.

- With the exception of NOV's for the 7-9/98, and 4-6/00 TCR M/R violations at Twin Knolls Golf (MI3820299), NOV's in the files for the violations reviewed were entered into SDWIS.
- There were 8 instances where there was no NOV letter in the file for an M/R violation, but NOV's had been entered into SDWIS.
- There were also no NOV letters in the files for 4 TCR MCL violations, but the files document that the LHD notified the systems and the systems posted PN for these violations.
- There was also no informal NOV in the file for the 7-9/98 TCR MCL at Deer Run Golf Club (MI3820132) that was reported late to SDWIS on 3/9/01.
- The 7-9/98 TCR MCL at Deer Run Golf Club was reported late to SDWIS. After the EV, MDEQ advised this violation had been reported to SDWIS on 3/9/01 after the SDWIS reports used for the EV had been run.
- The 10-12/99 M/R violation reported to SDWIS for Waterloo Recreation Area is apparently incorrect because the system sampled on 11/12/99. Apparently, the LHD coded the violation incorrectly by entering 10/99 instead of 1/99.
- A 6/00 TCR MCL violation at Waterloo Recreation Area (MI3820697) should have been reported to SDWIS in addition to the 4-6/00 MCL violation.
- The 4-6/00 TCR M/R violation should have been removed from SDWIS after the LHD became aware that Bumstead's (MI3820670) was closed during this quarter. After the EV, MDEQ advised that this violation, as well as the 7-9/00 violation will be removed from SDWIS.
- The SOX date for the 1-3/99 TCR MCL violation at Beach Bar, Inc. (MI3820042) was reported late to SDWIS. Following the EV, MDEQ advised that a 3/11/99 SOX date had been submitted to SDWIS/FED on 3/9/01 and a more accurate SOX date of 12/22/98 will be submitted for the 10-12/98 MCL violation.

#### 4.2.3 Oakland CHD

- For 3 of the 19 systems included in the EV, there were 4 unreported TCR MCL violations [1 when a system was on quarterly monitoring, and 3 when a system was on increased

routine monitoring following an MCL violation (LHD issued an NOV for 1 of these violations); and 4 unreported M/R violations [1 TCR monthly major routine, 1 TCR monthly minor routine, 1 Nitrate annual (LHD issued an NOV), and 1 triennial cyanide (LHD issued an NOV)].

- There were 3 M/R violations for which an informal NOV had been entered into SDWIS but an NOV letter was not in the file: a 1998 nitrate, and 1996-1998 IOC and VOC at Engineering Tube Specialties (MI6322274).
- With the exception of 2 NOVs for M/R violations (7-9/99, and 10-12/99 TCR at Beck Village Plaza, MI6322119) all the NOVs in the files for the violations reviewed were in SDWIS.
- 3 Administrative Orders issued by Oakland CHD in 5/00 to Indianwood Golf & County Club (MI6321501), Beck Village Plaza (MI6322119), and Crossroads Free Will Baptist Church (MI6321365) were not entered into SDWIS.
- 4/3/00 Monitoring Agreements (SFK) should have been entered into SDWIS for Highland Lanes (MI6320174) TCR M/R violations including the 1-3/00 violation.
- It appears that 2 nitrate and 1 TCR annual M/R violation for 1999 should not have been entered into SDWIS.
- The return to compliance code (SOX) should have been entered into SDWIS for the 1998 nitrate violation at Engineering Tube Specialties (MI6322274) after it sampled in 2/99.

## **5.0 COMMENDATIONS AND RECOMMENDATIONS**

### **5.1 Total Coliform Rule MCL Violation Follow Up**

#### **5.1.1 Community Water Systems**

##### **5.1.1.1 EHS**

###### **Commendations:**

- Overall, EHS properly tracked and enforced follow-up sampling and public notice requirements of 40 C.F.R. Sections 141.21, and 141.32, and relevant MDEQ, and EHS flow charts.
- After the EV, EHS advised Region 5 that it requested that the MDEQ Laboratory improve the existing querying capabilities in its new database system to make it easier for the RAs to check if systems that had positive routine samples collected repeat samples.



- EHS issued NOV letters for all violations reviewed that properly instructed systems concerning public notice/boil water notice and follow-up sampling requirements; and return to compliance letters that instructed systems to lift the PN/boil water notice.
- EHS promptly takes systems off reduced TCR monitoring after they have an MCL violation. This is an improvement over the 1997 DV report which noted that systems on reduced (i.e., quarterly) monitoring were not being returned to monthly monitoring after MCL violations, and recommended that EHS ensure that this is done until the system has corrected the problem.
- EHS includes a warning in TCR MCL NOV letters that enforcement will be taken against the system's manufactured housing community license if it fails to provide timely PN.
- EHS tracks positive routine TCR samples on the "Positive Bacti Status Sheet" until the system collects 5 negative routine samples the next month.
- There were no unreported MCL or M/R violations. This was a great improvement over the 1995 DV which noted a lack of attention in reporting various TCR violations.

#### **Major Recommendations:**

- For future EVs, EHS should have District Offices forward files documenting TCR MCL violation follow-up to the Lansing office.

#### **Minor Recommendations:**

- The State should consider requiring private labs to provide special notification to the system and/or the State for fecal coliform positive and total coliform positive results so that the Resource Analysts can more quickly notify the system of the need for additional samples and adjust the monitoring schedule as needed. A similar recommendation was made in the 1997 DV report based on the DV's findings.

#### **Suggestions:**

- EHS should add a sampling location field to its Access database bacti results screen to facilitate tracking of compliance with sample location requirements.
- EHS should begin labeling repeat samples as such in this database to facilitate repeat sample tracking.
- EHS should begin requesting systems to return a signed/dated copy of the notice lifting the boil water notice, and track receipt of signed notices back from the systems. This is

necessary to ensure that systems receive, and act on the lifting notices, and so the system and the system customers are not unnecessarily burdened with precautionary measures, cost of bottled water, and loss of business.

- EHS should temporarily take systems that miss a quarterly sample off of reduced monitoring.

#### 5.1.1.2 BHCF

##### Commendations:

- Overall, BHCF properly tracked and enforced follow-up sampling and PN requirements of 40 C.F.R. Sections 141.21, and 141.32, and relevant MDEQ flow charts.
- BHCF requires provision of bottled water until the MCL is resolved.

##### Major Recommendations:

- BHCF should ensure that systems are properly instructed to collect 5 routine samples the month following an MCL violation, or single positive routine sample. BHCF should track compliance, enter violations into SDWIS, and issue NOVs that warn of, or assess, fines for violations of this requirement.

BHCF should develop an SOP and flow chart for routine bacti sampling, and response to positive coliform samples, in consultation with DWRPD, which includes instructions regarding routine samples, repeat samples, check samples following disinfection after systems have an MCL violation, 5 routine samples the following month, and taking systems with MCL violations off of reduced monitoring. BHCF should then instruct water systems to implement these response procedures.

The Total Coliform Rule and MDEQ's CWS Response to Positives flow chart require that all routine samples be taken from the distribution system. However, the NCWS Response to Positives flow chart indicates that at least 1 repeat sample must be taken from the same location as the positive result, and the remaining should be split between the raw water sample tap and approved distribution system taps. This is acceptable where a NCWS consists of a single to a few service connections. Since nursing homes typically consist of a single building, BHCF could use the above NCWS repeat sampling procedure.

- BHFC should take systems off of reduced monitoring after they have an MCL violation.

Minor Recommendations:

- BHCF needs to file all follow-up sampling results, and communications with the system in the system file.

**5.1.2 Noncommunity Water Systems Overseen by Contract LHDs**

Commendations:

- The Chief, MDEQ, Water Supply Section, Noncommunity Unit issued criteria for allowing TCR monitoring reductions, returning systems on reduced monitoring to standard monitoring, and documentation instructions to the LHDs in a 9/9/99 memo.
- After the EV, MDEQ advised Region 5 that it recently began tracking, for each CHD, the number of systems with repeat MCL violations in the span of one year. Consultations between the MDEQ and CHDs with a high rate of repeat MCLs include a consideration of practices used to investigate and resolve MCL violations, including the number and location of check samples being taken to decide whether precautionary measures should be removed.
- The 3 LHDs reviewed appeared, for the most part, to be properly implementing the TCR, and providing accurate instructions to systems regarding required follow-up to MCL violations. NOV letters, return to compliance letters, and other communications from Oakland and Jackson CHDs were timely, and, with few exceptions, provided systems with accurate instructions. This is an improvement over the 1994 EV report which found more instances of incorrect TCR monitoring instructions in LHD letters, although none of the LHDs reviewed in this EV were reviewed in 1994.

**Major Recommendations:**

- For future EVs, in addition to requesting CHDs to submit the most recent sanitary survey, and monitoring results, M/R and MCL violation notices, and PNs for the period of review, MDEQ should also request information on site visits, meetings, telephone logs, and field notes for the period of review. Also, sampling site information captured on laboratory results forms should be included with the monitoring results.
- In order to be consistent with MDEQ procedures, MDEQ should ensure that CHDs are requiring noncommunity water systems to take at least one repeat sample from the site of the positive routine sample, and that any sample taken from a raw water sampling tap be designated a raw water sample.
- The State should consider requiring private labs to provide special notification to the system and/or the LHD for fecal coliform positive and total coliform positive results so that the LHDs can more quickly notify the system of the need for additional samples.

Suggestions:

- Until WaterTrack is in place, MDEQ should ensure that LHDs fully utilize its T2 electronic data system to identify bacte positive routine sample results, and track compliance with the requirement that systems collect 5 routine samples the next month.

#### 5.1.2.1 Genesee CHD

Commendations:

- Genesee CHD generally properly tracked compliance and followed enforcement follow-up procedures related to the follow-up sampling and PN requirements of 40 C.F.R. Sections 141.21 and 141.32, relevant MDEQ NCWS flow charts, and procedures outlined in the NC PWS Manual.

**Major Recommendations:**

- Genesee CHD needs to ensure that systems are properly instructed to collect 5 routine samples the month following an MCL violation or single positive routine sample; and that systems are warned that violation of these monitoring requirements are counted when assessing civil fines. There was no documentation of such instructions in the files reviewed. Genesee CHD also needs to track compliance with these requirements, enter violations into SDWIS, and issue NOVs that warn of, or assess, fines for these violations.

Minor Recommendations:

- Genesee CHD should issue NOV letters for all TCR MCL violations.

Suggestions:

- Water Sample Result Log forms should be modified to include sample location and separate identification or bacteriological routine, repeat, and check samples.
- Genesee CHD should consider temporarily revoking the system's food license when MCL violations are not resolved in a timely manner.

#### 5.1.2.2 Jackson CHD

Commendations:

- Jackson CHD generally properly tracked compliance and followed enforcement follow-up procedures related to the follow-up sampling and PN requirements of 40 C.F.R. Sections 141.21 and 141.32, relevant MDEQ NCWS flow charts, and procedures outlined in the NC PWS Manual.
- Very timely response to positive bacte samples.

- Handwritten chronologies of sampling results, communications with systems, posting of PN, well chlorination, return to compliance, etc were in the files.

**Major Recommendations:**

- Jackson CHD should issue NOV letters for TCR MCL violations which accurately describe regulatory requirements, (i.e., 5 routines the next month taken from the distribution system), set accurate sample due dates, and instruct systems to return a copy of the PN.

After the EV, MDEQ advised Region 5 that this and related issues were also observed in the annual evaluation for 2001. The Jackson CHD underwent a long string of personnel changes that adversely affected some aspects of the Noncommunity Program. The MDEQ's oversight responsibilities for the Jackson CHD also changed hands a couple of times during the EV review period. It appears the staffing issues have stabilized somewhat. The FY 2002 evaluation will document any progress made on these concerns.

**Suggestions:**

- Prepare and use a form for recording sample results, and the chronology of LHD and system follow-up to positive TCR routine samples and MCL violations, including communications with the system, repeat samples, precautionary measures taken, investigation and corrective measures, well chlorination, return to compliance, and follow-up sampling the next month.

**5.1.2.3 Oakland CHD**

**Commendations:**

- Timely NOV and return to compliance letters were issued for MCL violations that, with very few exceptions, provided the system with accurate instructions.

**Major Recommendations:**

- Document site visits, and that the system was instructed regarding well chlorination, investigation into the cause of the problem, and corrective measures taken. Following the EV, MDEQ advised R5 that Oakland CHD assured them the pump handle had been removed and PN was posted during the MCL violations. Also, MDEQ noted in its response to the draft EV Report that it did not ask for and, presumably, did not receive all documents from the files such as information on site visits, meetings, telephone logs, field notes, permits, etc. In any event, the State must ensure public health is protected.

**Suggestions:**

- Oakland CHD lab database printouts should differentiate between routine, repeat, and check bacti samples.

## **5.2 Monitoring and Reporting Violation Follow Up**

### **5.2.1 Community Water Systems**

#### **5.2.1.1 EHS**

##### **Commendations:**

- EHS generally followed its procedures for all 16 M/R violations, and fully implemented the State Civil Fine Policy for M/R violations. EHS monitoring reminder notices and NOV letters include fine warnings, and NOV letters were used to issue \$200 and \$400 fines.
- Systems are sent detailed annual monitoring and reporting schedules.
- Systems have been notified about their new monitoring requirements under the LCRMR.
- No major recommendations are needed.

##### **Major Recommendations:**

- None needed.

#### **5.2.1.2 BHCF**

##### **Commendations:**

- The audit team noted that BHCF notified nursing homes of their new monitoring requirements under the LCRMR, and provided appropriate compliance information.

##### **Major Recommendations:**

- Warnings regarding fines for future violations should be included in NOV letters, or separate written warnings should be issued as required by the State Civil Fine Policy and Procedures.

### **5.2.2 Noncommunity Water Systems Overseen by Contract LHDs**

##### **Commendations:**

- No instances were noted of NOV letters issued by the 3 CHDs reviewed which implied that the system can make up the sample if it monitors by a specified date, and was not required to PN. This is an improvement over the 1994 EV which found that 4 of the 5 contract LHDs reviewed were issuing NOV letters with these errors, although none of the LHDs included in this EV were reviewed in 1994.

- Genesee CHD adopted the policy prior to the EV review period, and issued fines for 22 of the 32 M/R violations reviewed. Oakland CHD adopted the State Civil Fine Policy later, and started issuing fines in late 2000. Jackson CHD adopted the policy in 2001. This is an improvement over the 1994 DV report which recommended that MDEQ/LHDs initiate formal enforcement before systems become SNCs. Because civil fines are issued before systems accumulate enough violations to become M/R SNCs, the number of systems that reach SNC status and need formal enforcement should be greatly reduced.

#### 5.2.2.1 Genesee CHD

##### Commendations:

- Genesee CHD generally followed its procedures for 18 of the 32 M/R violations reviewed.
- Genesee CHD is fully implementing the State Civil Fine Policy for M/R violations for quarterly and less frequently scheduled monitoring, and used NOV letters to issue fines. Monitoring R/FW notices were regularly issued, and civil fines of \$200 were issued for 22 of the 32 violations reviewed.
- Systems are sent annual monitoring schedules near the beginning of the year.
- NOV letters for M/R violations are issued soon after the end of the monitoring period.
- Genesee CHD promptly implemented DWRPD's policy for assigning total coliform monitoring frequencies, as outlined in a September 1999 memo to LHD Environmental Health Directors, and coordinated this with its implementation of the State civil fine policy. Of five systems included in the review that did not monitor for coliform bacteria during 1999, all five were fined \$200, taken off of reduced (annual) coliform bacteria monitoring, and required to begin monitoring quarterly during the first calendar quarter of 2000.

##### Major Recommendations:

- Genesee CHD needs to improve bacti monitoring compliance tracking.

##### Minor Recommendations:

- Genesee CHD should provide accurate instructions to systems, and carefully track collection of two consecutive 6-month rounds of LCR initial tap samples.
- Genesee CHD should ensure that R/FW notices and NOV letters accurately reflect the State Civil Fine Policy and Procedures.

- Genesee CHD should promptly notify MDEQ concerning all rescinded fines.

#### 5.2.2.2. Jackson CHD

##### Commendations:

- Transient noncommunity water systems located in an underground storage tank area are required to sample annually for VOCs. This is an excellent precaution for vulnerable systems.

##### Major Recommendations:

- Jackson CHD needs to improve TCR monitoring compliance tracking, including “monthly” violations when systems fail to collect 5 routine samples the month after returning to compliance from an MCL violation.
- NOV letters should be issued for all M/R violations, and copies should be placed in the system files.

After the EV, MDEQ advised Region 5 that this and related issues were also observed in the annual evaluation for 2001. The Jackson CHD underwent a long string of personnel changes that adversely affected some aspects of the Noncommunity Program. The MDEQ’s oversight responsibilities for the Jackson CHD also changed hands a couple of times during the EV review period. It appears the staffing issues have stabilized somewhat. The FY 2002 evaluation will document any progress made on these concerns.

##### Suggestions:

- Files should include documentation of systems’ TCR monitoring frequency. However, MDEQ noted in its response to the draft EV Report that it did not ask the LHDs for, and presumably did not receive, all documents from the files such as information on site visits, meetings, telephone logs, field notes, permits, etc.

#### 5.2.2.3 Oakland CHD

##### Commendations:

- The issuance of informal NOVs for M/R violations became more timely.
- Oakland CHD adopted the State Civil Fine Policy and started assessing and collecting fines and delinquent annual fees in late 2000.
- Oakland CHD formal NOV letters warn systems that failure to appear at an informal conference will result in further enforcement, request systems to bring monitoring samples and sign Monitoring Agreements at the conference, and warn of fines and



enforcement against the system's food service license for continued noncompliance.

#### **Major Recommendations:**

- Formal enforcement needs to be initiated against systems as soon as systems become TCR M/R SNC systems and followed through on. Systems that fail to comply with LHD Administrative Orders should be referred to the Attorney General or local Prosecuting Attorney's Office for further enforcement. MDEQ should also consider referring such cases to Region 5 for federal enforcement.

After the EV, MDEQ advised Region 5 that more recently, Oakland CHD initiated enforcement efforts against SNCs, appreciably lowering their number. Recent consultations associated with the annual evaluation process are focusing on the need for more stringent enforcement against the most chronic violators. Now that its length has been reduced to a manageable level, the listing of unaddressed SNCs is being made available to CHDs and to MDEQ staff so that more immediate action can be taken when a water system becomes a SNC. There should be fewer SNCs and Exceptions in the future.

- Copies of all NOV letters should be placed in the system files.
- Improve TCR monitoring compliance tracking, including "monthly" violations when systems fail to collect 5 routine samples the month after returning to compliance from an MCL violation.

#### **Suggestions:**

- Telephone calls to systems that repeatedly ignore NOV/FW notices may help ascertain if the responsible party is receiving the notices.
- System files should include documentation of a systems' TCR monitoring frequency. However, MDEQ noted in its response to the draft EV Report that it did not ask the LHDs for, and, presumably did not receive, all documents from the files such as information on site visits, meetings, telephone logs, field notes, permits, etc.

### **5.3 Lead Action Level Exceedance Follow-Up**

#### **5.3.1 Community Water Systems**

##### **5.3.1.1 EHS**

#### **Commendations:**

- EHS, generally adhered to the requirements of 40 C.F.R. Part 141, Subpart I, Control of

Lead and Copper for the 2 action level exceedances reviewed. EHS instructions to the system, and compliance tracking and follow-up were documented in the file.

- EHS provided example PE materials to system and sent reminder letters for repeating PE and WQP monitoring, and issued permit for installing corrosion control treatment equipment after system submitted treatment plan.
- EHS issued a system an NOV in 12/00 which included a fine warning for its failure to take all repeat WQP samples by 8/00.
- Violations of lead action level exceedance follow-up requirements were entered into SDWIS. This is an improvement over the 1997 DV report which noted that PE, and WQP M/R violations had not been reported to SDWIS.
- EHS has taken steps to correct previous LCR implementation problems. EHS sends a form letter that accurately explains the requirement of 40 C.F.R. Subpart I and MDEQ requirements.

#### **5.3.2 Noncommunity Water Systems Overseen by Contract LHDs**

##### **Commendations:**

- Region 5 commends MDEQ/LHDs for encouraging systems to use voluntary flushing (or removal from service) to reduce lead/copper at taps with elevated levels while fixture repair/replacement or additional studies are underway.

##### **Suggestions:**

- The T2 system should be modified to allow the LHDs to view sample location information for lead and copper samples in MDEQ's laboratory database, and for other types of samples where sample location is not currently viewable to facilitate tracking of compliance with monitoring location requirements.

After the EV, MDEQ advised Region 5 that the new data base system, Water Track, expected to go online in September, 2003 will assist CHDs in identifying and maintaining focus on exceedances. Water Track will allow the sampling location to be viewed by the user, provided this information is included with the sample results.

#### **5.3.2.1 Genesee CHD**

##### **Commendations:**

- Genesee CHD generally followed its procedures for the 1 action level exceedance reviewed. Genesee CHD adhered to the follow-up procedures for monitoring, public

education, and corrosion control treatment requirements for NTNCWS in Michigan's approved LCR primacy package, and in the LCR monitoring instructions sent to NTNCWSs in 1993. Compliance tracking and follow-up was documented in the file.

#### 5.3.2.2 Jackson CHD

No lead action level exceedances had occurred at NTNCWSs in Jackson County for the audit team to review.

#### 5.3.2.3 Oakland CHD

##### **Major Recommendations:**

- Oakland CHD should improve its tracking of lead action level exceedances, adherence to follow-up procedures for lead action level exceedances, and file documentation.

After the EV, MDEQ advised Region 5 that the new data base system, Water Track, expected to go online in September, 2003, will assist CHDs in identifying and maintaining focus on exceedances. Water Track will allow the sampling location to be viewed by the user, provided this information is included with the sample results.

### 5.4 CCR Violation Follow Up

#### 5.4.1 **Community Water Systems**

##### 5.4.1.1 EHS

##### Commendations:

- EHS followed its procedures for both CCR violations reviewed.

##### Minor Recommendations:

- EHS needs to enter informal NOV and return to compliance codes into SDWIS for CCR violations.

##### 5.4.1.2 BHCF

The audit team did not review any CCR violations at BHCF water systems.

##### Commendations:

- BHCF sent systems letters that discussed CCR annual reports and source water assessment requirements in 1/99, and providing information on how to write a CCR, and on LCRMR monitoring changes in 4/2000.

- NOVs were issued to systems that failed to deliver CCRs in 1999 and 2000.

## 5.5 Public Notice

### Commendations:

- Fines for PN violations are shown on DWRD Fines Policy Summary issued in approximately 1/2001.

See Section 3.1 and 3.2 for the audit team's findings on how well PN procedures were followed for the TCR MCL, and M/R violations reviewed, respectively, and Appendix B for more detail.

### 5.5.1 Community Water Systems

#### 5.5.1.1 EHS

##### Commendations:

- EHS tracks receipt of PN from systems in SDWIS using the State PN received (SIF) code/date.
- EHS is commended for including a warning in TCR MCL NOV letters that enforcement will be taken against a system's manufactured housing community license if it fails to provide timely PN.
- EHS's annual monitoring instruction letters notify systems that they can now be fined for failure to provide PN.

##### Major Recommendations:

- None needed.

#### 5.5.1.2 BHCF

##### Major Recommendations:

- BHCF needs to ensure that systems return a signed copy of their PN for all MCL, and M/R violations, and that copies are placed in the system files. Signed PNs were in the files for 1 of the 2 TCR MCL violations, and 0 of the 2 M/R violations reviewed.

### 5.5.2 Noncommunity Water Systems Overseen by Contract LHDs

#### Commendations:

- NOV letters issued by Genesee CHD for M/R violations during the period of review required systems to return copies of the signed/dated PNs they posted. However, Jackson and Oakland CHDs did not include this requirement in their M/R violation NOV letters

until early 2000. This is an improvement over the 1994 DV report which found that none of the 5 contract LHDs reviewed required systems to return a copy of the PNs they posted for M/R violations.

**Major Recommendations:**

- MDEQ needs an automated system for tracking compliance with PN requirements. The October, 2001 Final State Implementation Guidance for revised Public Notification Rule at 40 C.F.R. Subpart Q, effective on May 6, 2002, requires that States report non-compliance with the rule as violations to SDWIS/FED (Rule code "7500" and violation code "75") and link PN violations to underlying violations.

**5.5.2.1 Genesee CHD**

**Major Recommendations:**

Genesee CHD needs to track receipt of signed/dated copies of systems' PNs for all MCL, and M/R violations, and place copies received in system files. Signed PNs were in the files for both of the 2 TCR MCL violations, but only 1 of the 32 M/R violations reviewed.

**5.5.2.2 Jackson CHD**

**Commendations:**

- NOV letters issued for TCR M/R violations have been improved by requiring the system to return a signed/dated copy of the PN, and including health effects language and system and LHD contact information in the PN provided for the system's use.

**Major Recommendations:**

- Jackson CHD needs to ensure that all NOV letters for MCL, and M/R violations require systems to return a signed/dated copies of their PNs, track receipt of PNs, and place copies received in system files. Signed PNs were in the files for all of the 6 TCR MCL violations, but none of the 21 M/R violations reviewed.

**5.5.2.3 Oakland CHD**

**Commendations:**

- NOV letters issued for M/R violations issued after 4/2000 request the system to return a signed/dated copy of the PN. This is an improvement over previous NOV letters issued for M/R violations which did not include this requirement.

**Major Recommendations:**

- Oakland CHD needs to ensure that all NOV letters for MCL, and M/R violations require systems to return signed/dated copies of their PNs, track receipt of PNs, and place copies received in system files. Signed PNs were in the files for 4 of the 5 TCR MCL violations,

but none of the 49 M/R violations reviewed.

## **5.6 Verification of Enforcement Data in SDWIS**

### **5.6.1 Community Water Systems**

#### **5.6.1.1 EHS**

##### **Commendations:**

- EHS is commended for having no unreported MCL or M/R violations.

##### **Minor Recommendations:**

- Enter all NOVs into SDWIS.
- Report all violations and lead action level exceedances for the correct monitoring period.
- MDEQ should issue a Standard Operating Procedure (SOP) for implementing its policy of not entering violations of shorter state assigned monitoring periods, if a system samples before the end of the federal period, and not referencing violations of shorter state monitoring periods as federal violations in NOV and other letters to systems. Violations of a federal monitoring period should be reported to SDWIS using the violation begin date and duration of the federal monitoring period, not the State assigned period.

#### **5.6.1.2 BHCF**

##### **Major Recommendations:**

- BHCF should report all M/R violations to SDWIS, including “monthly” violations when systems fail to collect 5 routine samples the month after returning to compliance from an MCL violation.
- Accurate violation begin date and duration need to be entered into SDWIS.

### **5.6.2 Noncommunity Water Systems Overseen by Contract LHDs**

#### **5.6.2.1 Genesee CHD**

##### **Major Recommendations:**

- The State Administrative Penalty (SFM) code should be entered into SDWIS for all civil fines, and the SOX code should be linked to all nitrate and other chemical/radiological M/R violations when systems sample.

- Enter all M/R violations and follow-up enforcement actions into SDWIS.

Minor Recommendations:

- Only valid M/R violations should be entered into SDWIS, and M/R violations that are later determined not to be valid, should be removed from SDWIS.

#### 5.6.2.2 Jackson CHD

**Major Recommendations:**

- Jackson CHD needs to report all M/R violations to SDWIS, including “monthly” violations when systems fail to collect 5 routine samples the month after returning to compliance from an MCL violation. Violations that are later determined not to be valid, should be removed from SDWIS.

Jackson CHD needs to report “monthly” MCL violations when systems collect 5 routine samples the month after returning to compliance from a previous MCL violation. These violations should be reported to SDWIS, even when the second MCL violation occurred during the same quarter as the first MCL violation. In this case the first violation should be reported for the quarter in question, and the second for the month it occurred.

After the EV, MDEQ advised Region 5 that improvements in the electronic handling of lab data have already been made, and further progress will come with the development of Water Track. MDEQ also advised that it will begin submitting violation records that reflect a one-month period for these violations as required by FRDS data reporting documentation once the new Water Track system is online, expected by September 30, 2003.

- Enter into SDWIS all NOV letters that were issued.
- NOVs should not be entered into SDWIS for M/R violations if an NOV letter was not sent to the system.

After the EV, MDEQ advised Region 5 that this and related issues were also observed in the annual evaluation for 2001. The Jackson CHD underwent a long string of personnel changes that adversely affected some aspects of the Noncommunity Program. The MDEQ’s oversight responsibilities for the Jackson CHD also changed hands a couple of times during the EV review period. It appears the staffing issues have stabilized somewhat. The FY 2002 evaluation will document any progress made on these concerns.

- All TCR MCL violations should be reported to SDWIS within 45 days after the end of the quarter in which the MCL violation occurred, and accurate SOX dates for all TCR

MCL violations should be reported within 45 days after the end of the quarter during which the system returned to compliance.

#### 5.6.2.3 Oakland CHD

##### **Major Recommendations:**

- Oakland CHD should report all MCL and M/R violations and follow-up enforcement actions to SDWIS. Attention in this regard is particularly needed for “monthly” MCL violations when systems collect 5 routine samples the month after returning to compliance from a previous MCL violation. These violations should be reported to SDWIS, even when the second MCL violation occurred during the same quarter as the first MCL violation. In this case the first violation should be reported for the quarter in question, and the second for the month it occurred.

After the EV, MDEQ advised Region 5 that it will begin submitting violation records that reflect a one-month period for these violations as required by FRDS data reporting documentation once the new Water Track system is online, which is expected by September 30, 2003. MDEQ also reports that improvements in the electronic handling of lab data have already been made, and further progress will come with the development of Water Track.

- LHD Administrative Orders should be entered into SDWIS using the SFL (State Administrative Order) code, and Monitoring Agreements should be entered using the SFK (State bilateral compliance agreement signed) code.

##### **Minor Recommendations:**

- All NOV letters issued for M/R violations should be entered into SDWIS.
- NOVs should not be entered into SDWIS for M/R violations if an NOV letter was not sent to the system.
- The SOX code should be linked to all nitrate and other chemical/radiological M/R violations when the systems sample.
- M/R violations that are later determined not to be valid, should be removed from SDWIS.

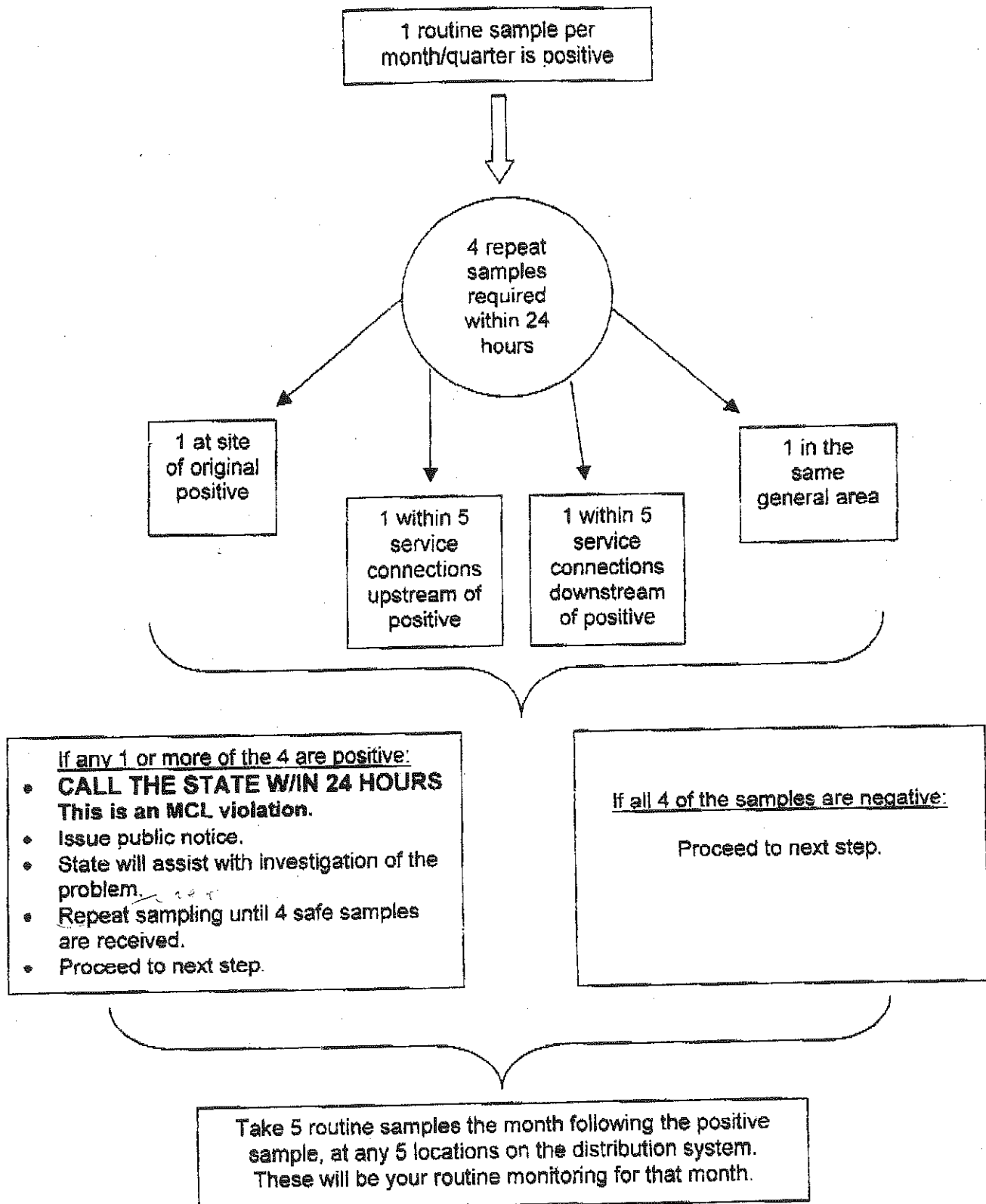


## APPENDIX A

### **Michigan Enforcement Flow Charts**



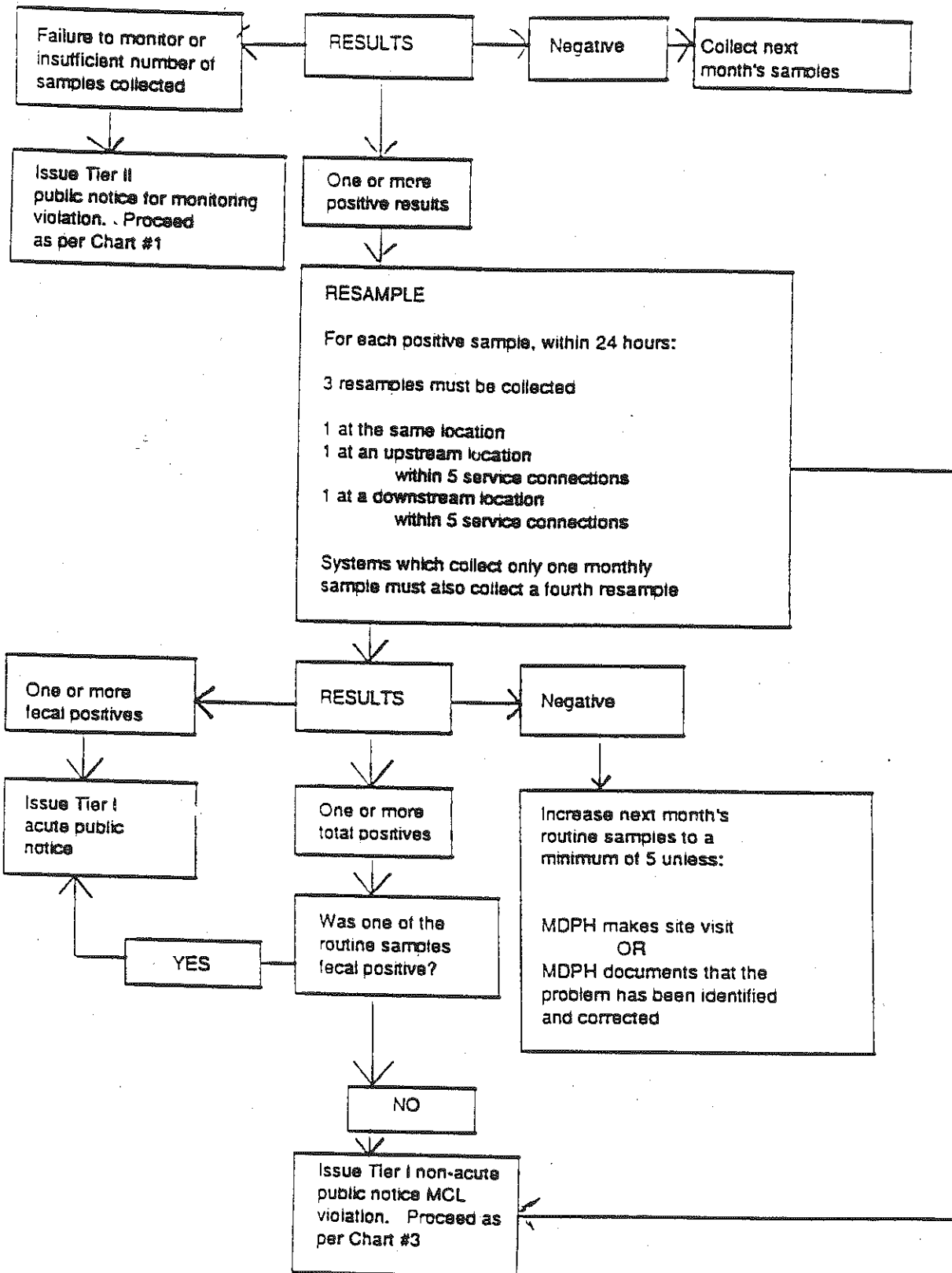
# Positive Bacteria Response



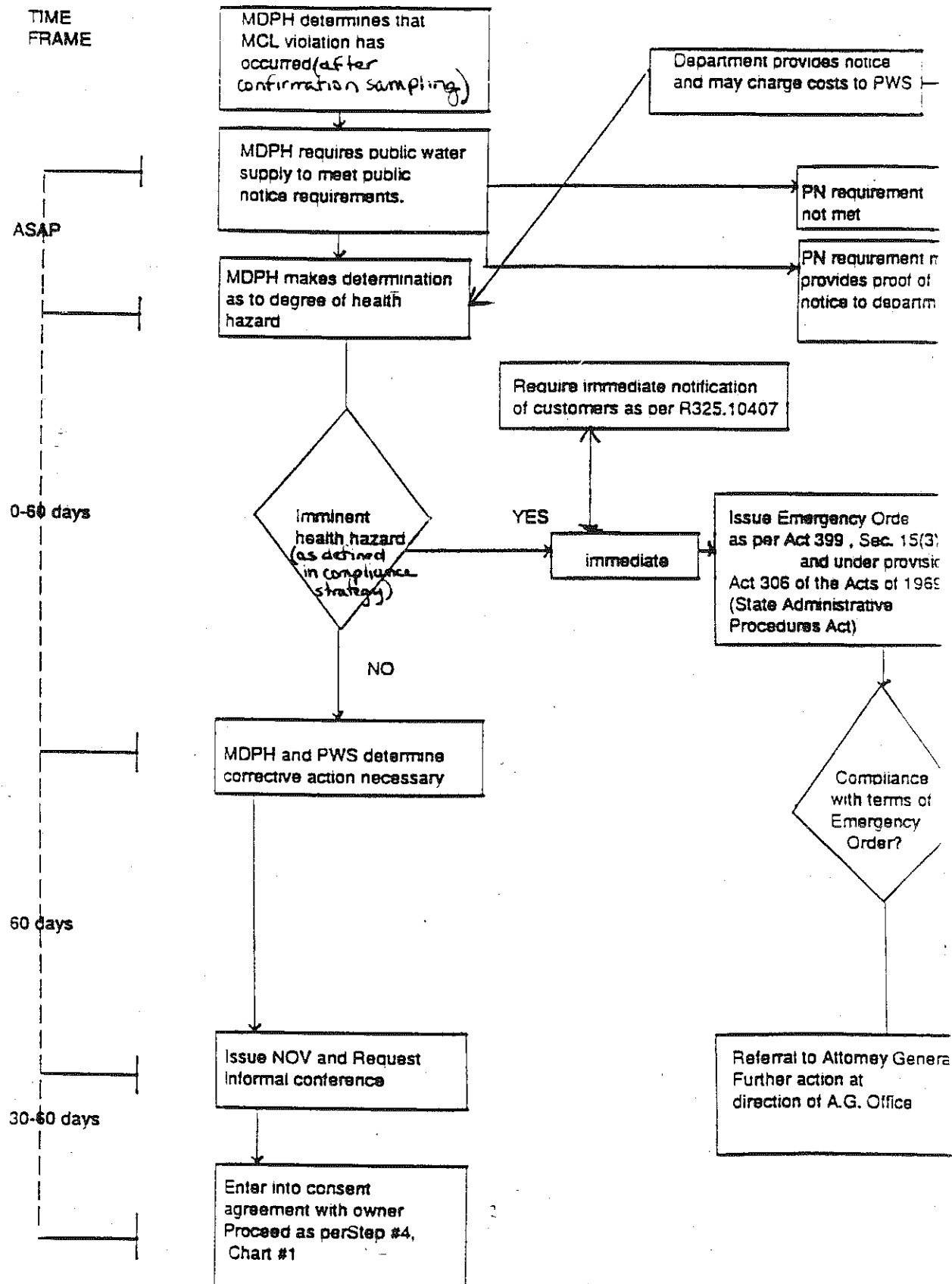
NOTE: If you are on quarterly sampling and have an MCL violation, you can expect to be changed to monthly routine sampling.



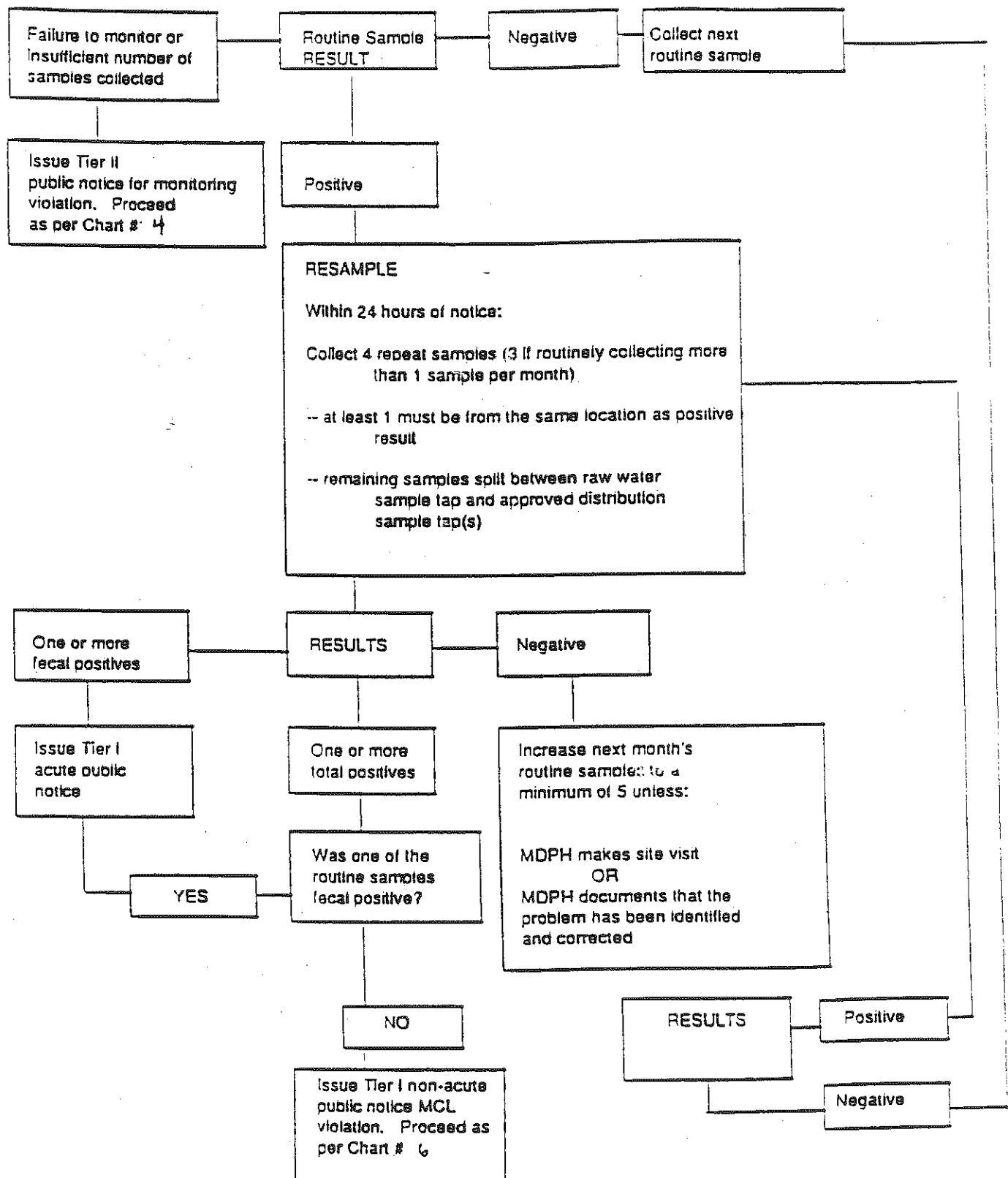
COMMUNITY PWS:  
MICHIGAN DEPARTMENT OF PUBLIC HEALTH  
BACTERIOLOGIC MCL DETERMINATION FLOW CHART  
RESPONSE TO POSITIVES



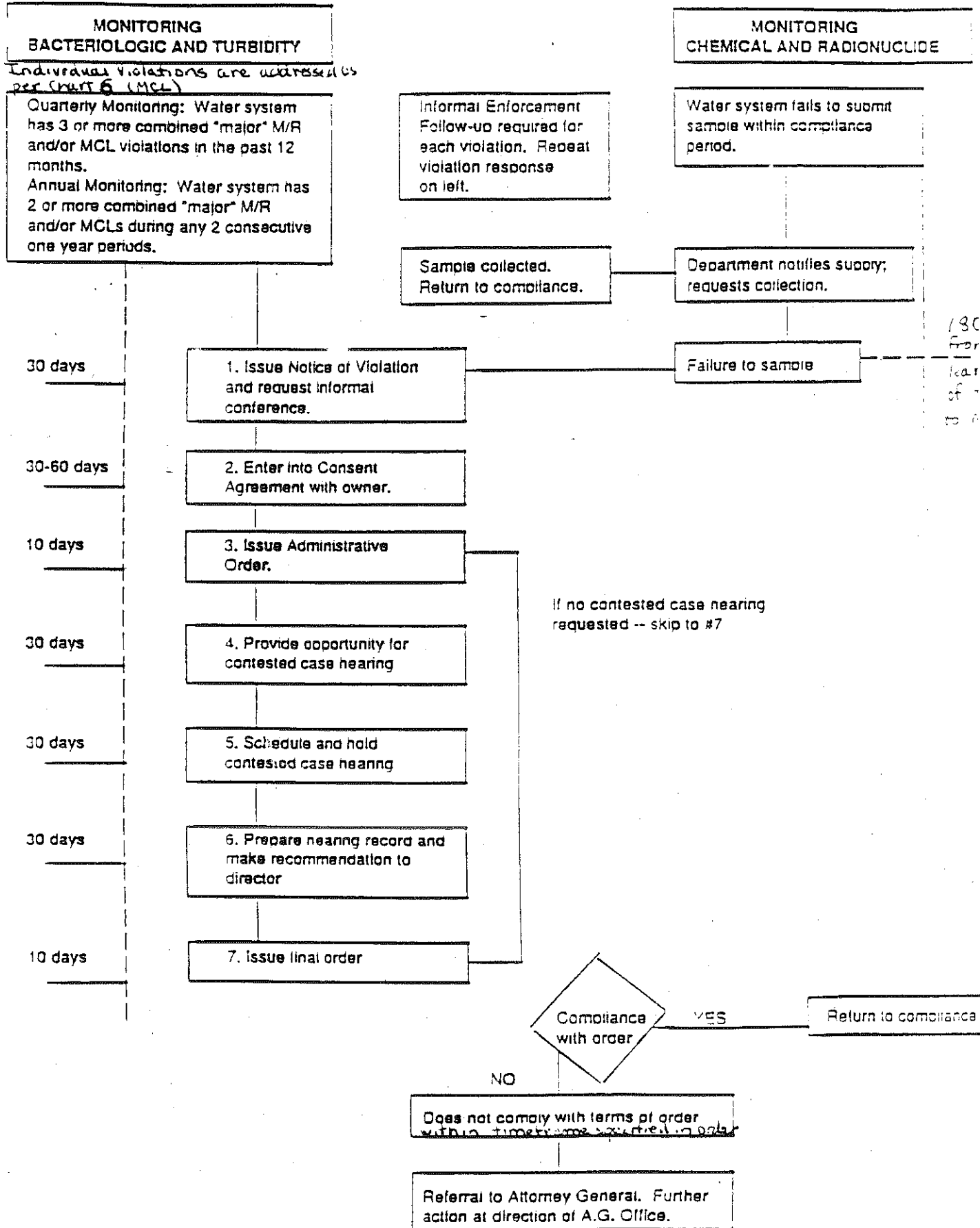
MICHIGAN DEPARTMENT OF PUBLIC HEALTH  
FLOW CHART SHOWING "TIMELY AND APPROPRIATE ACTION"  
FOR MCL VIOLATIONS



# MDPH - NONCOMMUNITY BACTERIOLOGIC MCL DETERMINATION FLOW CHART RESPONSE TO POSITIVES



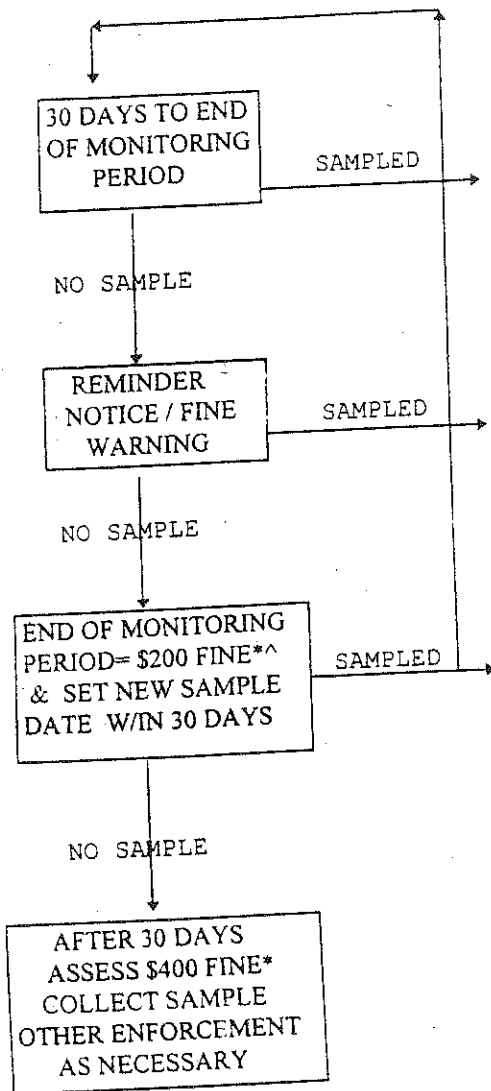
# MDPH MONITORING VIOLATIONS - NONCOMMUNITY FLOW CHART SHOWING "TIMELY AND APPROPRIATE" ACTIONS





**CIVIL FINES FOR FAILURE TO MONITOR**  
Act 399 P.A. of 1976 as Amended  
NONCOMMUNITY WATER SUPPLY PROGRAM

Shown: General Warning/Fine Process



SEE DEQ Fines Policy 1997-03-001

1. Violations in one contaminant group do not impact violations in another group relative ... amount of fine.
2. Fines may be voided in accordance with policy.
3. Appeals heard in accordance with APA, Act 306 of 1969 by agency issuing fine.

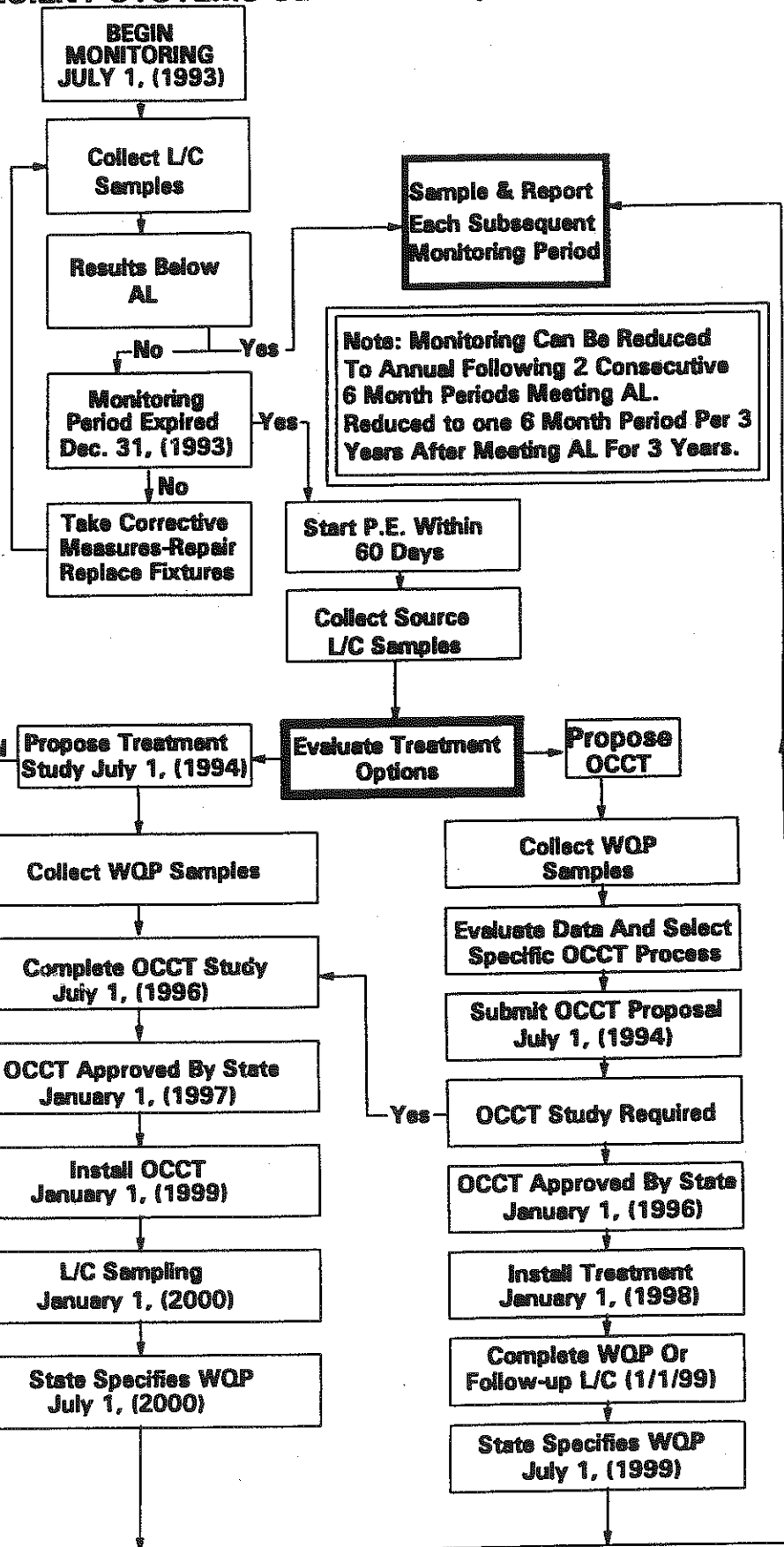
\* Includes violation and public notice to owner and FRDS  
^ For quarterly or more frequent monitoring only, a written warning (in lieu of first fine) is issued with public notice and FRDS

DWRPD 7/97



# **LEAD/COPPER RULES** **NONTRANSIENT SYSTEMS SERVING <3,301**

**Note:**  
Systems Exceeding  
An AL Are Not Required  
To Continue L/C Tap  
Monitoring But Must  
Continue With PE/Treatment  
Phases. If Sampling is  
Continued And AL Met  
PE May Be Halted. The  
Treatment May Be Halted  
After Two Consecutive  
Periods Meeting AL.



**"Key"**  
L/C =  
Lead Copper  
OCCT =  
Optimum Corrosion  
Control Treatment  
WQP =  
Water Quality Parameter  
AL =  
Action Level  
PE =  
Public Education  
DW =  
Drinking Water



## Appendix B

### **System Specific Findings**



SYSTEM ID	NAME	System Type/ Pop.	VIOLATIONS	STATE ACTION FOLLOWS FLOW CHART?	DISCREPANCIES/RECOMMENDATIONS/COMMENTS
MI0040001	Lincoln Estates MHP	CWS/ 53	<p>1/95-12/98 Gross Alpha M/R</p> <p>1-9/99 nitrate M/R</p> <p>1/99 TCR M/R</p>	<p>Yes - After the EV, EHS provided R5 with a copy of 11/3/98 monitoring reminder/fine warning (R/FW) notice that was filed in EHS's main file for this park at district office (D.O.).</p> <p>3/16/99 \$200 CF warns of \$400 CF if system does not sample before 6/30/99 (instructs system to deliver enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file).</p> <p>Yes - After the EV, EHS provided R5 with a copy of 8/25/99 R/FW notice filed in EHS's main file for this park at D.O.</p> <p>12/20/99 NOV letter issued (instructs system to deliver enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file).</p> <p>This is not a federal viol. since system sampled 1/20/99 before the federal compliance period of 1-12/99</p> <p>Yes-3/16/99 NOV letter which cites Rule 325.1007 re. failure to collect a water sample on more than one occasion in a 12 month period will result in a \$200 CF for the first violation and \$400 for</p>	<p>Region 5 recommends that EHS begin requesting that systems return a copy of signed/dated copy of the lifting notice, and track receipt of signed notices back from the systems. This is necessary to ensure that systems receive, and act on the lifting notices, and so customers are not unnecessarily burdened with precautionary measures, cost of bottled water, and loss of business (may not be applicable to MHPs).</p> <p>12/20/99 NOV letter states the system had federal and state violation for the period 1-9/99 for nitrate, nitrite, fluoride, and VOCs. The reference to a federal M/R violation should be removed from NOV letters where the monitoring period cited is shorter than the federal monitoring period, e.g., annual for nitrate. After the EV, EHS advised R5 that this will be done. EHS also advised that this violation was entered in error, and MDEQ's policy is not to enter violations of shorter state assigned mon. periods, if a system samples</p>

			<p>5/99 TCR MCL</p>	<p>each violation thereafter, and says that this penalty must be included with any further violations. BUT PN from system not in file.</p> <p>Yes- 5/7/99 NOV letter faxed to system says 4/24 routine sample was TC+, and 3 of the 4 repeat samples taken on 5/3 were also TC+. System is instructed to provide PN/boil water notice, using the example provided, and not to lift the notice until authorized by the State and after it submits results for a minimum of 4 safe check samples. System is warned re. enforcement against system's manufactured housing community license if it fails to provide timely PN.</p> <p>The NOV also instructs the system to take 5 routine samples in 6/99. Fax cover memo instructs system to distribute a copy of the PN/boil water notice to each resident ASAP, and fax back a signed/dated copy (copy signed by system owner/manager is in the file.) It also says an EHS staff person will contact system to schedule a visit.</p> <p>BUT system did not take repeat samples until 9 days after the 4/24/99 TC+ routine sample (system is required to take repeat</p>	<p>before the end of the federal period.. R5 recommends that MDEQ issue a Standard Operating Procedure (SOP) for implementing this policy.</p> <p>No documentation in the file that system completed the improvements to the well house that the boil water lifting notice (EHS faxed to system on 7/13) said would be performed in a couple of weeks. There is a copy of a 7/2/99 permit for installation of flushing hydrants at the ends of the water main, and if needed for piping and a gate valve to tie together the main on the north side of park. The only documentation in the file that any improvements were made, is a copy of a boil water notice prepared by the system for a pump house upgrade performed nearly 9 months later on 4/3/00-4/4/00. There is no documentation as to what this upgrade included. After the EV, EHS advised R5 this information is not kept in the RA files in Lansing, but is kept in the district office file, because EHS field staff handled this side of the investigation and follow-up.</p>
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				<p>samples within 24 hours of receiving a positive routine sample result).</p> <p>Database printout shows 6 safe check samples on 6/7/00 (2 check samples, both safe, were also taken on 5/17/00).</p> <p>1 of 5 routine samples taken on 6/21/99 was TC+, (BUT EHS did not count these as routine samples, because the boil water notice was still in effect.</p> <p>6/17/99 "Inquiry Report" re. a State legislator's inquiry prepared by Steve Griffith, and 6/17 memo from John Fiero to Flint Watt indicate that EHS was fairly certain the TC+ results were caused by MHP manager's sampling technique, based on a site investigation by field staff in early May (none of the check samples taken by the manager since EHS staff explained the proper technique to him had been positive); and that EHS was waiting to see if all of the 5 routine samples system was required to take in 6/99 were safe before lifting the boil water notice. However, 1 of the 5 6/21 samples was TC+.</p> <p>Database printout shows system</p>	<p>EHS advised R5 that D.O. field staff send copies of sanitary reports to the Lansing office, but not documentation related to the correction of the deficiencies noted in sanitary reports.</p> <p>While the Region doesn't expect the D.O.s. and the Lansing office to keep duplicate files; the Region wants to ensure there is adequate communication between the D.O.s. and the Lansing office covering follow-up to sanitary defects, MCLs, M/R viols., PN, etc.</p> <p>Per database printout 4 repeat samples (all neg.) were taken on 6/22/98, 7 days after a 6/15 TC+ routine sample, and 5 routines (all neg.) were taken in 7/98. The database printout does not include sampling location, therefore, it can not be used to track if system is sampling from the correct locations for routine, repeat, or check samples.</p> <p>R5 recommends that EHS add a sampling location field to its coliform sample results database to facilitate the above tracking.</p>
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				<p>took 2 check samples on 7/8, and 7 on 7/9, and that all were safe.</p> <p>On 7/13 EHS faxed system a PN lifting the boil water notice, which stated that the system must take 5 routine samples in 7/99, and will make improvements to the well house in the next couple of weeks. System was not instructed to send back a signed/dated copy of the posting, and a signed/dated copy from the system was not in the file.</p>	<p>EHS is commended for including a warning in TCR MCL NOV letters that enforcement will be taken against system's manufactured housing community license if it fails to provide timely PN.</p>
M10040047	Thornapple Lake Estates	CWS/448	1-3/00 TCR M/R	<p>Yes -4/18/00 NOV requires system to provide PN, and return a copy of its signed/dated PN, and includes an example PN for system to use. A copy of system's signed/dated PN is in the file.</p>	<p>7/16/00 letter notifies system it is no longer eligible for quarterly coliform bacteria sampling, and must start sampling monthly due to ongoing compliance issues.</p> <p>EHS is commended for taking system off reduced TCR mon. because of ongoing compliance issues related to the 1-3/00 TCR MCL.</p>

MI0040114**	Crosswinds MHP	CWS/ 163	<p>9/28/98 (sample date) lead action level exceedance</p> <p>6/11/00 (sample date) lead action level exceedance</p>	<p><u>Water quality parameter (WQP) mon.-Yes</u></p> <p>12/3/98 letter requires system to perform water quality parameter monitoring, deliver public education, perform source water lead/copper mon., and submit a corrosion control treatment recommendation.</p> <p>6/13/00 letter requires system to repeat water quality parameter monitoring,</p> <p>BUT 12/3/98, and 6/13/00 letters give system longer (until 6/30/99, and 8/3/00 respectively) to perform water quality parameter monitoring,, than allowed by the LCR. (until the end of the compliance period when the action level exceedance occurred).</p>	<p>The 10 samples system taken in 6/93 exceeded the lead action level (90<sup>th</sup> percentile value of 17 micrograms/liter). However, these results were not counted, apparently because they were taken before the beginning of the 7-12/93 initial compliance period for small systems.</p> <p>9/30/98 R/FW notice should have instructed system to collect 10 samples for the 7-12/98 compliance period instead of 5 for the 1998 annual compliance period, and collect another set of 10 samples for the 1-6/99 compliance period. Systems must perform 2 consecutive 6-month rounds of initial tap</p>
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				<p>(This error was not found in a 3/7/01 letter that instructs system to perform WQP monitoring by 6/30/01 and PE by 5/31/00 because of the continuing action level exceedance).</p> <p>Also, the 12/3/98 letter required the system to collect 2 WQP samples 24 hrs. apart at 1 distribution system tap as required by the LCR for a system that serves this population. However, the 6/13/00 letter required sampling at 2 distribution taps.</p> <p>12/4/00 NOV for failure to take all repeat WQP samples by 8/3/00 which includes a fine warning.</p> <p>Source Water Mon.-Yes- required by 6/30/98 in 12/3/98 letter and 1/18/99 results are in database.</p> <p>Public education (PE) - Yes - 12/31/98 letter requires distribution of PE materials to all residents within 60 days, and to repeat every 12 months as long as the action level is exceeded, Sample brochure with the mandatory language is included for system's use, and an affidavit for the system to sign/date and return certifying method of delivery it used.</p> <p>9/8/99 letter requiring delivery of PE by 9/30 to new residents and</p>	<p>mon. before they can be placed on reduced annual monitoring.</p> <p>EHS should not have placed the system on annual sampling until it collected a set of 10 samples during 2 consecutive 6-month compliance periods.</p> <p>The system submitted results for 6 samples collected on 9/29/98 that exceeded the lead action level with a 90<sup>th</sup> percentile lead value reported as 17 micrograms/liter.</p> <p>The 6/11/00 lead action level exceedance should have been reported for the 1-6/00 compliance period, not 1-12/00.</p> <p>The 12/4/00 NOV in file for 1-6/00 WQP M/R viol. was not reported to SDWIS. However, 12/4/00 PN request, 12/31/00 PN received, and 12/28/00 SOX codes/dates have been reported.</p>
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				<p>to re-issue PE annually thereafter for as long as the lead action is exceeded.</p> <p>2/5/99, 9/12/99, and 5/7/00 signed affidavits from system certifying that the PE materials received from MDEQ were properly distributed using the approved method indicated.</p> <p><u>Optimal corrosion control treatment plan</u> - Yes-12/3/98 letter requires system to submit a plan by 6/30/98, and plan received from system on 7/13/99 is in file. 12/9/99 MDEQ construction permit issued to system for installation of water treatment equipment for corrosion control with a 12/31/01 installation deadline. It states MDEQ will set a new treatment installation deadline if system has another action level exceedance.</p> <p>The permit also informs the system that if the system samples for lead and copper during the 1-6/00 compliance period and does not exceed an action level it will have 2 consecutive rounds below the action levels, and will not have to install corrosion control treatment.</p>	
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MI040128	Bay Shore Estates Mobile Home Park	CWS/209	10/19/99-CCR viol  1-12/99-LCR Follow Up Tap Sampling M/R viol  1-3/2000-TCR M/R	Yes- 4/3/00 NOV  Yes -1/4/00 NOV/\$200 CF System complied 2/2/00.  After the EV, EHS provided R5 with a copy of a 8/25/99 R/FW for rad mon. that was filed in EHS's main file for this park in the D.O.  Yes-NOV/PN sent 4/18/00, PN signed and returned 4/25/00. (Quarterly TCR monitoring).	4/3/00 NOV for 1999 CCR viol. is not in SDWIS.  4/18/00 NOV ltr for 1-3/00 TCR M/R viol. states that if system has a valid water test result for bacti then system can send it in, and the violation will be eliminated.
MI040160	Twin Meadows MHP	CWS/133	7-9/99 TCR MCL	Yes-NOV letter requires system to issue PN/State boil water notice, and take 5 samples in 8/99. Dated/signed copy of notice returned from system is in the file, and system took 5 routine samples in 8/99.	
MI040162	Westhaven Mobile Court	CWS/193	1-9/99-Arsenic M/R	Yes* Arsenic NOV/PN sent 1/7/00. Complied 1/18/00. Previous arsenic sample taken 2/96, and req'd every 3 years. Did not sample by the end of CY 1999, so this is a Fed'l and State violation.	
MI0040247	Boerman's Mobile Home Village	CWS/150	7/98 TCR MCL	Yes-8/11 NOV letter was issued and a dated/signed copy of notice returned from system is in the file and system took 5 routine samples the following month.	
MI0040285	Pine Aire MHP	CWS/203	10-12/99 TCR M/R	Yes- NOV issued.	

MI0040303	Glen Lake Trailer Park	CWS/ 75	1-3/00-TCR M/R	Yes-Quarterly monitoring. NOV/PN sent 4/18/00. System RTC with sample 4/11/00. PN . rec'd 5/1/00.	
MI0040324	University MHP #1	CWS/ 53	1999 nitrate M/R	<p>Yes*-12/20/99 NOV/Fine warning notice requires system to provide PN, and return a copy of its signed/dated PN, and includes an example PN for system to use, BUT a copy of a signed/dated PN from the system is not in the file.</p> <p>After the EV, EHS provided R5 with a copy of a 8/25/99 R/FW for nitrate mon.</p> <p>that was filed in EHS's main file for this park in the D.O.</p>	<p>12/20/99 NOV/Fine warning incorrectly states that the system incurred a federal (in addition to a state violation) by missing the newly imposed state annual nitrate sampling deadline of 9/30/99 for Partial Chemical (nitrate, nitrite, and fluoride). It requires system to provide PN for these violations.</p> <p>The letter states that because the deadline for the nitrate annual sample was changed this year, a grace period is being given, in 1999 only, for systems to perform nitrate sampling until 1/31/00, and the sample will be credited to the 1999 sampling year and will not take the place of any routine sampling required in 2000. It also warns system it will receive a \$200 CF if it fails to sample by 1/31.</p> <p>The data base printout shows the system sampled on 1/3/00, and therefore, did incur a federal M/R violation, but avoided being eligible to receive the State \$200 CF.</p>

					<p>From database printout it appears that proper follow-up was performed for a 8/00 TCR MCL viol. (BEYOND EV REVIEW PERIOD) 4 TC+. repeat samples were taken on 8/8 following the 8/1 TC+ routine sample, check samples were taken on 6 different days between mid-August and mid-September including 9 consecutive safe samples, and 5 neg. routine samples were taken in 9/00.</p>
MI0040325	University MHP #2	CWS/ 138	1999 nitrate M/R	<p>Yes*-12/20/99 NOV requires system to provide PN. and return a copy of its signed/dated PN, and includes an example PN for system to use, BUT a copy of a signed/dated PN from the system is not in the file.</p> <p>After the EV, EHS provided R5 with a copy of a 8/25/99 R/FW for nitrate mon. that was filed in EHS's main file for this park in the D.O.</p>	<p>12/20/99 NOV/Fine warning incorrectly states that the system incurred a federal (in addition to a state violation) by missing the newly imposed state annual nitrate sampling deadline of 9/30/99 for Partial Chemical (nitrate, nitrite, and fluoride). It requires system to provide PN for these violations.</p> <p>The letter states that because the deadline for the nitrate annual sample was changed this year, a grace period is being given, in 1999 only, for systems to perform nitrate sampling until 1/31/00, and the sample will be credited to the 1999 sampling year and will not take the place of any routine sampling required in 2000. It also warns system it</p>



					<p>will receive a \$200 CF if it fails to sample by 1/31.</p> <p>The data base printout shows the system sampled on 1/3/00, and therefore, did incur a federal M/R violation, but receive the State \$200 CF. avoided being eligible to receive the State \$200 CF.</p> <p>From database printout it appears system had a TCR MCL in 11/00. (BEYOND EV REVIEW PERIOD) NOV letter and signed PN from system is in the file. PN says system will take 5 routine samples in 12/00. However, the printout shows 5 "check" (rather than "routine") samples for 12/00 (1 on 12/4, and 4 on 12/13-all neg).</p> <p>Repeat samples that are required after a positive routine sample cannot be differentiated from samples taken to check the success of system/well disinfection, because they are both labeled as check samples in the the coliform sample results database.</p> <p>Region 5 recommends that EHS begin labeling repeat samples as such in this</p>
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					<p>database to facilitate repeat sample tracking.</p> <p>12/4 PN which appears to have been prepared by the MHP lifts the boil water notice for the 11/00 MCL, and states that MDEQ has declared the water safe. EHS called system on to authorize lifting boil notice.</p> <p>However, there is no copy of a lifting notice signed/dated and returned by the system in the file.</p> <p>It took nearly one month before 4 neg repeat samples were taken on 4/5/99 following the 3/8/99 TC+ at well house faucet. After the EV, EHS advised that the manager initially had mistakenly collected the repeat samples at the wrong MHP - University Park #1.</p> <p>One repeat was taken at a well house raw water faucet, and the others were taken at mobile home lots. EHS advised that a repeat sample was taken at the well house raw water faucet to determine if and where the problem was originating from, due to the delay from sampling the wrong park.</p>
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MI0040348	Bennett MHP	CWS/ 70	6/00 TCR M/R	Yes-7/18/00 NOV warned system if had more than one violation within a 12 month period it would be fined \$200 dollars. The NOV requires system to provide PN, and return a copy of its signed/dated PN, and includes an example PN for system to use, BUT a copy of a signed/dated PN not received (SIF code not linked to the violation in SDWIS).	
MI0040430	Higgins Lake Hideaway Mobile Home Park	CWS/ 63	1999-Nitrate M/R  4-6/99-TCR M/R	Yes*-Nitrate NOV/PN/Fine warning sent 12/20/00. Window of compliance was Jan-Sept 2000. Reminder letter sent 8/21/00. Grace period until 1/31/2000, and sample taken on 1/31/2000. So not a State violation, but it is a Fed'l viol.  Yes-(Quarterly monitoring) TCR-NOV/PN sent 8/5/99, samples taken 8/9/99.	
MI0040460	Alan's Park - West	CWS/ 80	6/00 TCR MCL	Yes-NOV letter requires system to issue PN/State boil water notice, and take 5 samples the next month. Dated/signed copy of notice returned from system is in the file, and system took 5 routine samples the next month.  Letter notifying system it is no longer eligible for quarterly coliform bacteria sampling, and must start sampling monthly beginning in 8/00.	EHS is commended for notifying system that is no longer eligible for quarterly sampling beginning in 8/00.  The MCL viol. should have been reported for the 4-6/00 compliance period, not the 6/00 compliance period because it occurred when the system was on quarterly mon.

MI0040480	Wood Valley Mobile Home Park	CWS/ 35	1-9/99- Nitrate M/R	Yes*-Nitrate NOV/PN Request/Fine warning sent 12/20/00. Window of compliance was Jan-Sept 2000. Reminder letter sent 8/21/00. Grace period until 1/31/2000, and sample taken on 1/31/2000. So not a State violation, but it is a Fed'l viol. 1/4/00 rec'd PN. Nitrate results rec'd 12/28/99. SOX-12/28/99. (Quarterly TCR monitoring).	Violations of a federal monitoring period should be reported to SDWIS using the viol. begin date and duration of the federal mon. period, not the State assigned period. R5 recommends that MDEQ issue a Standard Operating Procedure (SOP) for implementing this.
MI0040504	Pleasant Lake MHP	CWS/ 60	7/98 TCR MCL  6/00 TCR MCL	Yes-NOV letter requires system to issue PN/State boil water notice, and take 5 samples the next month. Dated/signed copy of notice returned from system is in the file, and system took 5 routine samples the next month.  Yes-NOV letter requires system to issue PN/State boil water notice, and take 5 samples the next month. Dated/signed copy of notice returned from system is in the file, and system took 5 routine samples the next month.	
MI0040586	Lincoln Pines Mobile Home Park MI0040586	CWS/ 293	7/99-TCR MCL  10/19/99- CCR viol  10-12/99 Gross Alpha M/R	Yes-Monthly monitoring. State sent MCL NOV/PN 7/21/99; BUT no PN returned. 5 routines taken 8/17/99  Yes- NOV issued on 3/30/99  Yes-NOV/PN/civil fine/ letter dated 2/23/00. After the EV, EHS provided R5	BEYOND EV REVIEW PERIOD-File lists a Nitrate M/R for 11/30/00 (first deadline) and 12/31/01(second deadline). 1/17/01 NOV/civil fine issued. System was fined \$200 for the 1-9/00 nitrate M/R viol. and \$400 for the 10-12/00 M/R viol. per state civil fine policy.

				with a copy of a 8/25/99 R/FW for rad mon. that was filed in EHS's main file for this park in the D.O.	The 10-12/00 nitrate M/R viol. and NOV, civil fine and PN request were submitted to SDWIS (federal viol. because system failed to sample during 2000). A copy of the system's PN was not noted in file, or coded into SDWIS.  3/30/00 CCR NOV not in SDWIS.
MI0040591	Country Hill Pines Mobile Home Park	CWS/150	11/98-TCR MCL	Yes-Boil water notice/PN/NOV sent 11/6/98. 7 Routines taken 12/14/98 - SOX, BUT A signed/dated copy of the boil water notice/PN returned from the system, and of an EHS notice lifting the boil water notice, and signed/dated copy of this notice returned from the system were not noted in the file.	No documentation in file for 11/7/98 State PN received (SIF) in SDWIS.  Monthly monitoring: The two violations below did not show up on the SDWIS pull of 11/00, but these viols. and associated informal NOV, PN request, boil water order, and return to compliance codes/dates were submitted to SDWIS: TCR MCL on 7/13/00 and NOV/PN sent on 7/14/00. PN rec'd 8/17/00. 5 routines taken 8/25/00.  TCR MCL on 10/7/00 and NOV/PN sent on 10/12/00. PN rec'd 10/9. 8 routines taken 11/15/00 and 11/22/00. (BEYOND EV REVIEW PERIOD).

MI0062658	Glenwood Christian Nursing Home	CWS/66	<p>9/98-TCR MCL (should have been reported for 7-9/98)</p> <p>1/99-TCR MCL (should have been reported for 4-6/99)</p>	<p>No-No NOV/PN request in file. 2 pos on 9/15, 4 neg. repeats on 9/22-23 (2 from distr. taps, and 2 from wellhead); should be within 24 hrs of notification that sample(s) were positive [141.21(b)] (State either called system on 9/21 or faxed NOV/PN on 9/21, and repeats taken on 9/22-23)</p> <p>No documentation in file that system was disinfected, or check samples were taken.</p> <p>No RTC letter in file. It appears BHCF returned system to compliance based on the neg. repeat samples because a return to compliance (SOX) code with a 9/23/98 date was entered into SDWIS.</p> <p>Only 1 instead of 5 routines taken the following month. 3 were taken in December.</p> <p>Yes - Pos. at kitchen well on 6/25/99. 8 repeats at kitchen well (3 pos) on 7/1/99 (6/25 pos confirmed in July). Again, repeats should be taken</p>	<p>1/99-TCR MCL is a reporting error since there no positives found in the 1/14 or 3/16 samples, and the enforcement actions coded into SDWIS match the 4-6/99 MCL. This MCL should have been reported as a quarterly viol. because system was on quarterly monitoring schedule. After the EV, BHCF changed the 1/99 MCL to a 4-6/99 MCL in SDWIS.</p> <p>Unreported 9/98 minor repeat M/R viol.</p> <p>Unreported 10/98 minor routine M/R viol.</p> <p>System should have been placed on monthly bacti sampling after the 9/98 TCR MCL.</p> <p>9/22/98 sanitary survey report.</p> <p>BHCF thought that since their systems were on quarterly monitoring that the requirement of 5 routine samples taken the next month</p>
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				<p>within 24 hrs of notification that sample(s) were positive. NOV letter sent on 7/1. PN signed by system on 7/8 and posted that day. Checks taken after chlorination on 8/2 and 8/4 ND. System on boil water notice and bottled water until RTC letter 8/23/99, which requested 5 routine samples the following month, BUT system only took 3 on 9/30/99.</p>	<p>meant 5 routine samples the following quarter. [141.21(b)(5)]. following a positive. However, based on the bacti results in the file, the system took 1 in 10/98, 3 samples in 12/98, and 1 in 1/99. The system took another sample in 3/99, presumably for 1-3/99 quarter</p>
			<p>10/31/99- 1/31/99-TCR M/R</p>	<p>No- NOV/PN request letter for 10/1/99-TCR but should have warned of fine if system had another violation within 12-month period, and no copy of signed NOV from system in file.</p>	<p>6/25/99 routine sample taken at kitchen well rather than a distribution system tap as required by 40 C.F.R. Section 141.21(a) and the CWS bacti MCL flow chart.</p> <p>Many samples taken during July 99, chlorinated-public health protected as best they could while they found problem (well screen open and full of bugs).</p> <p>Unreported 9/99 TCR minor routine M/R viol.</p> <p>Positive samples noted in June 2000 due to construction repair work going on. Samples should have been coded as special purpose samples (construction). Boil water notice faxed 7/5/00. System not using water. After the EV, BHCF submitted a monthly MCL for the 4-6/00</p>

					<p>quarter. A 6/26 informal NOV, and 7/13 returned to compliance were also submitted to SDWIS for this viol.</p> <p>9/16/99-ltr to system RE: CCR 4/5/00-ltr to system RE: CCR and Pb/Cu.</p> <p>This system monitors for TCR quarterly; however the 2 MCL violations report a duration of 1 month instead of 3 months. BHCF later changed one of these, the 1/99 MCL to a 3 month viol. (4-6/99) in SDWIS.</p> <p>The begin date of the TCR M/R viol. for the 10-12/99 quarter should be 10/1, not 10/31.</p> <p>BHCF is commended for immediately placing systems with bacti MCLs on boil water notices, and requiring provision of bottled water until the MCL is resolved.</p>
MI0060792	Bortz Health Care-West Bloomfield (Greenlake)	CWS/86	10-12/99-TCR M/R	No-NOV/PN sent to system 1/21/00 for 10-12 qtrly. viol., but should have warned of fine if system had another violation within 12-month period, and no copy of signed NOV from system in file.	<p>4/23/97 ltr to system RE: rad monitoring requirements 1/21/99 ltr to system RE: CCR annual Rept and source water assessments. 4/5/00 ltr to system RE: CCR-how to write and LCRMR monitoring changes.</p>



MI0065207	Woodfield Manor (Westwoods of Niles)	CWS/ 89	1-3/99-TCR M/R	<p>Yes-NOV/PN request sent to system on 4/19/99 for 1-3/99 qtlly. viol. Next sample rec'd 5/4/99.</p> <p>NOV mentions \$200/\$400 civil fine. State did issue a \$200 fine to this system 5/22/98 for 1-3/98 M/R (outside of this review). No copy of signed NOV from system in file.</p>	<p>11/18/99 sanitary survey letter.</p> <p>4/5/00 ltr to system RE: CCR-how to write and LCRM monitoring changes.</p>
MI2520163	C.H.M.P.	NT/ 31	<p>1996-1998 IOC M/R</p> <p>7-12/98 LCR M/R</p>	<p>Yes*-1/15/99 NOVleter requires system to provide PN, and return a copy of its signed/dated PN, and includes an example PN for system to use, BUT a copy of a signed/dated PN from the system is not in the file.</p> <p>There is also no documentation in the file of the 1/14/99 SFG (State issued PN) in SDWIS.</p> <p>No-System should have been sent R/FW notice just prior to the end of the mon. period per DWRPD's CF policy and procedures. 1/1/99 NOV/CF in file.</p>	

MI2520179	Grand Blanc Court Club	TN/ 200	1999 TCR M/R	<p>Yes-1/24/00 CF for 1999 TCR and nitrate M/Rs (instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file). R/FW notices were sent on 8/31 and 12/1/99. 2/8/00 letter taking system off annual TCR mon. and placing it on quarterly mon. because of M/R viols.</p>	<p>Unreported TCR maj. or min. routine M/R viol. Based on water sample result log, system failed to take 5 routine samples the month following the 3/29/00 TC+ sample (and 4 negative repeat samples taken on 4/4/00). The system did not take any routine samples in 4/00 or 5/00, and only 1 in 6/00. (It was noted that after the EV period of review, the system took 5 routines in 11/00 following clearance of a 9/00 MCL in 10/00.)</p> <p>There is no documentation in the file that the LHD notified the system to take repeat samples following the 3/29/00 TC+. There is also no documentation that the LHD notified the system to take 5 routine samples the next month (or alternatively, documentation of a waiver in the file based on a LHD a site visit, or the problem having been identified and corrected.)</p> <p>1/24/00 CF should have been entered into SDWIS (SFM) linked to the 1999 TCR and Nitrate M/R violations.</p>
			1999 Nitrate M/R	<p>Yes-See above*</p>	

					<p>4/30/00 sanitary survey report letter identifies construction viols. that need correction.</p> <p>3/13 and 3/23/00 R/CF notice sent for 1-3 TCR sample.</p> <p>1/24/00 CF was rescinded because system had a new owner. MDEQ's CF procedures require LHDs to notify MDEQ regarding rescinded fines within 15 days, but there was no documentation in the file that MDEQ was notified.</p> <p>Unreported 1-3/00 TCR M/R viol. and no documentation of enforcement follow up.</p> <p>1/24/00 CF for 1999 TCR M/R not in SDWIS.</p>
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MI2520539	Dog House Lounge	TN/ 60	Nitrate 1998 M/R          TCR 1999 M/R	<p>*No Should have been issued a \$200 CF</p> <p>1/15/99 NOV.</p> <p>No-a reminder/warning notice was not sent 30 days prior to the end of the mon. period. 1/24/00 CF issued. NOV/CF doesn't request copy of PN.</p> <p>2/8/00 letter placed system on qtly TCR frequency beginning with 1-3/00 qtr. because of past mon. violations in accordance with MDEQ policy.</p>	<p>Region 5 commends Genesee CHD for promptly implementating MDEQ's 9/9/99 policy for assigning total coliform monitoring frequencies and documenting monitoring reductions outlined in Rich Overmyer's 9/9/99 memo to Noncommunity Program Coordinators with copies to LHD Environmental Health Directors.</p> <p>Region 5 also commends Genesee CHD for coordinating this with its implementation of the State civil fine policy.</p> <p>6/6/00 R/FW notice sent; system sampled 6/5/00.</p>
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MI2520648**	Rankin Elementary School	NT/ 360	<p>7-12/97 lead action level exceedance</p> <p><i>Notes:</i></p> <p><i>+(Following the EV, it was determined that the lead action level was not exceeded for the 1-6/98 period because the system replaced 3 taps that exceeded 15 micrograms/liter in 1/98 and 5/98 and re-sampled these in 6/98 and the results were below 15 micrograms/liter. Another tap sampled in 6/98 exceeded the 15 micrograms/liter but the system did not exceed the lead</i></p>	<p><b>Public education (PE)</b>-Yes (for 1/14/98 lead action level exceedance). Copy of a notice dated 6/1/98 of a 6/2 public meeting at the school with the school district, Genesee CHD, and MDEQ that included all mandatory PE language, (however, statement that the exceedances that occurred in follow-up sampling of all taps in 5/98 "...were from fixtures that receive very little or no use for drinking water..." may not be accurate since they included a "kitchen", and "kitchen food prep sink" taps. It states the system is voluntarily instituting as an extra precaution a daily process of flushing the entire water supply system until subsequent testing indicates safe levels. The notice states this is the first time the system had a lead action level exceedance. Fax cover sheet from system says the notice was being sent to staff and students.</p> <p>HOWEVER, there is no documentation that PE was delivered, or any other follow-up was taken for a 7-12/97 lead action level exceedance.++</p> <p>Source water lead/copper mon. Yes-(for 1/14/98 lead action level exceedance). State lab printout has results for a 5/28/98 raw water</p>	<p>It appears the system may have had a previous lead action level exceedance, during the 2<sup>nd</sup> half of 1997, that was not follow-up on by the LHD or the system. A questionnaire on the status of lead and copper action level exceedances completed by the LHD and MDEQ for this system indicates that the lead action level was exceeded during the 2<sup>nd</sup> half of 1997 with 90<sup>th</sup> percentile lead value of 43.2 micrograms/liter. However this action level exceedance was not documented in the file, or the printout from the State lab results database reviewed during the EV. The 9/21/97 SOX date linked to the systems 7-12/93 LCR initial tap M/R viol. in SDWIS suggests the system did sample during the 2<sup>nd</sup> half of 1997. However, according to the lab results printout the system returned to compliance by sampling during th 2<sup>nd</sup> half of 1994 and the 1<sup>st</sup> half of 1995, sampled during the 2<sup>nd</sup> half of 1995, then did not sample again until the 1<sup>st</sup> half of 1998.++</p>
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			<p><i>The system also re-sampled this tap on 7/10/98, and the results were below 15 micrograms/liter.</i></p> <p><i>++It also appears that the reference to a 7-12/97 lead action level exceedance (90<sup>th</sup> percentile of .0432 milligram/liter) on the NC Unit's status sheet is in error, or the samples were analyzed by a private lab (not on State lab's database) and Genesee CHD did not forward them because they preceeded the EV review</i></p>	<p><u>treatment</u> -Yes - (for 1/14/98 lead action level exceedance), BUT system was allowed to halt the corrosion control treatment installation steps prematurely. The 2/11/99 inorganic sample was not a first flush sample as required by the LCR, so system does not have results for 2 consecutive 6-month rounds that are below the action levels as required. Also, there is no documentation of LHD communications to the system.+</p> <p>Based on the file and lab results printout, system appears to have met the requirements for systems opting to conduct a treatment study that includes a lead/copper source identification and removal program that they test all drinking water taps, and the source water for lead/copper before the end of the next 6-month compliance period. There is also documentation in the file (including the system's PE notice), that taps where the lead action level was exceeded had been replaced, and these locations were retested and the results were below the action levels.</p> <p><u>Water quality parameter mon-</u> These may be postponed during the initial treatment study.</p>	<p>Based on the action level exceedance questionnaire, system was allowed to halt the corrosion control treatment installation steps based on meeting the action levels during the 2 consecutive 6-month periods 7-12/98 and 1-6/99. However, according to the a handwritten note on the state laboratory results printout the sample taken on 2/11/99 was taken as an inorganic sample (and therefore was not a first flush sample as required by the LCR).</p> <p>Region 5 commends MDEQ/LHDs for encouraging systems to use voluntary flushing (or removal from service) to reduce lead/copper at taps with elevated levels while fixture repair/replacement or additional studies are underway.</p>
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			7-12/99 LCR M/R	No-A R/FW notice was not issued prior to 1/24/00 CF issued for 7-12/99 LCR M/R viol., and CF should have set new date in 30 days for LCR sample, and warned of \$400 fine. CF instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file.	<p>The other R/FW notices, most of which were issued later, did contain correct fine policy language</p> <p>No documentation in file that MDEQ was notified of the voided fines.</p>
			4-6/99 TCR M/R	<p>Yes- 7/12/99 NOV/fine warning letter issued.</p> <p>NOV instructs the system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file.</p> <p>R/FW notices were issued on 5/24/99, and 6/21/99.</p>	<p>Region 5 commends Genesee CHD for sending system monitoring schedules near the beginning of 1999 and 2000.</p> <p>However, the 11/1/99 letter (note written on it says sent 1/31/00) instructed the system that its next LCR is due by 6/30/01, when it should have said by 12/31/00 because the system had not yet sampled during two consecutive rounds, and did not sample during the 1<sup>st</sup> or 2<sup>nd</sup> half of 1999.</p>
			4-6/00 TCR M/R	No-No informal NOV/fine warning in file.	<p>1/15/99, 7/22/99, and 1/24/00 CF are not entered into SDWIS.</p> <p>The 1998 nitrate M/R viol. should not have been entered into SDWIS.</p> <p>The SOX code was not entered into SDWIS for this violation until 9/20/99.</p>





					The letter also advises system to monitor as early as possible to avoid additional fines or enforcement actions as labs sometimes experience delays in reporting sample results.
MI2520963	Georgie's Market MI2520963	TN/ 25	1998 TCR M/R  1998 Nitrate M/R	No-SDWIS shows an CF issued on 1/15/99 linked to both the 1998 TCR and Nitrate M/R viols. but there is no documentation in the file. No*- See above	

MI2521136	Smoke Rise Business Office	TN/115	1999 Nitrate M/R	Yes*-1/24/99 CF issued	<p>Unreported TCR major mon. M/R viol. Based on the water sample result log, system did not take a TCR sample for the 7-9/98 quarter. Violation not entered into SDWIS, and no documentation of follow-up in the file.</p> <p>One or two R/FW notices sent for most TCR quarterly samples from mid-1998 to mid-2000, and three were sent for the 1999 annual nitrate sample.</p> <p>The earlier TCR R/FW notices issued on 9/23/98, 6/22/99, and 8/31/99 incorrectly state that the State authorizes \$200 fines for the 1<sup>st</sup> quarterly monitoring violation. MDEQ's CF policy, however, requires that a R/FW notice be issued for the 1<sup>st</sup> quarterly violation, and a CF for the second and each subsequent violations. The later R/FW notices did contain the correct fine policy language.</p> <p>9/28/98 sanitary survey letter should have set the annual nitrate monitoring due date prior to the end of year.</p>
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MI2521364	Beta Theta Pi	NT/ 35	7-12/98 LCR initial tap M/R viol.	<p>No-1/15/99 \$200 CF for 7-12 initial tap M/R viol. should have assessed a \$400 instead of \$200 fine per warning in 7/22/98 CF issued to system for 1-6/98 LCR M/R viol. "...if there are additional monitoring violations in the next 12 months, this supply is subject to a \$400.00 fine for each failure to sample." Also, 1/15/99 (and 7/22/98) CFs should have set new due date within 30 days for the LCR sample, and warn system a \$400 fine will be assessed if does not sample by the new due date. After the EV, MDEQ advised that Genesee CHD has been notified of this and agreed to include a new deadline in future letters.</p> <p>1/15/99 CF instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file.</p> <p>R/FW notice issued on 10/28/98</p>	<p>Unreported TCR maj. routine mon. viol. for 1-12/99. Enforcement follow-up procedures were followed for this violation. 1/24/00 CF issued. R/FW notices were issued on 8/31/99, 11/1/99, and 2/1/99.</p> <p>The 4/12/00 CF was not coded into SDWIS correctly. The SIA code for violation/reminder notice was entered instead of the SFM code for State Administrative Penalty assessed.</p> <p>It appears that the 7-12/99 LCR initial tap M/R viol. should not have been entered into SDWIS, and should have been removed from SDWIS, because there are DWRPD lab results for lead and copper analysis of a sample taken on 12/5/99.</p> <p>DWRPD's 6/17/97 policy and procedures for CFs, and the other materials, included in the CFs implementation package sent to the LHDs with Flint Watt's letter of 7/31/97, e.g., flow chart for the Noncommunity program, indicate that civil fine letters issued for LCR initial tap M/R viols. should set a new sampling date within 30 days.</p>
			7-12/99 LCR initial tap M/R viol.	Yes-1/11/00 R/FW notice sent for coliform bacteria, nitrate, VOC, SOC, cyanide, LCR and metals monitoring.	
			1-3/00 TCR M/R	No- Instead of issuing the 4/12/00 \$200 CF for this violation, the LHD should have issued a written warning that system would receive a \$200 fine if had another monitoring violation within a specified 12 month period.	

				<p>4/12/00 CF instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file.</p> <p>R/FW notice issued on 10/28/98 and 3/23/00.</p> <p>R/FW notices issued on 3/31/00 and 3/23/00.</p> <p>But, other than the above reminder/warning notices there was documentation in the file that the system had been issued a notification/explanation regarding increasing its monitoring frequency for coliform bacteria from annual to quarterly beginning with the 1-3/00 quarter.</p>	<p>8/31/99, and 12/1/99 R/FW notices for 1-12-/99 TCR sample, and 6/6/00, and 6/20/00 R/FW notices for 4-6/00 TCR sample state that latest TCR sample result the LHD has for the system is for a 1/29/98 sample, but the sample result log sheet also includes 12/3/98 sample result.</p> <p>LHD's copy of two 1/25/00 MDEQ letters to the system for delinquent civil fines that had been issued for lead/copper, and bacteriological monitoring viols. respectively, shows MDEQ tracking of civil fine payment and feed-back to the LHD. However, the letters and attached invoices do not specify the monitoring period in which the violation for which the system has not paid the fine occurred. It is not clear if the LCR M/R viol. fine delinquency notice is for the fine issued for the 1-6/98 or 7-12/98 violation. Also, it is not clear what TCR M/R viol. fine the other delinquency notice is referring to. The most recent TCR M/R in SDWIS prior to this letter is an annual M/R viol. for 1997.</p>
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MI2521493	Doodle Bugs Daycare	81/ NT	7-9/98 TCR MCL	<p>No-Based on the sample results log sheet, and the 9/30/98 SOX date in SDWIS, it appears the LHD lifted precautionary measures based on only one negative "check" sample (taken on 9/14 following TC+ check samples taken on 7/14 -7/16, and 8/3-8/6.</p> <p>No NOV letter in the file. There is a copy of a posting dated 7/10 signed by the LHD, and the system which warns customers not to drink the water, provides information on the total coliform standard, potential health affects, and says an alternate source of water is being made available while the problem is investigated by management and the LHD, and corrections are being made. The LHD representatives phone # is included. It appears the LHD delivered the PN on a site visit to the system on 7/10/98.</p> <p>A handwritten note, dated 7/10/98, on an unsigned copy of a warning notice "loose well cap observed (sealed with electrical tape)," suggests a LHD site visit.</p> <p>No documentation that LHD instructed system to chlorinate the well and take check samples. No documentation that LHD notified system that it was</p>	<p>Unreported LCR initial tap M/R viols. for 7-12/98, and 1-6/00, and no documentation in file of enforcement follow-up. A R/FW notice was issued on 10/22/98 for the 7-12/98 sample. An R/FW notice could not be found for the 1-6/00 sample.</p> <p>Unreported TCR minor routine M/R viol. for 10/98. System did not get a replacement for the 1 (of 5) inconclusive samples it took on 10/28/98</p> <p>7/12/99 CF for 1-6/99 LCR initial tap M/R viol., and 1/24/00 CF for 1999 TCR and nitrate M/R viols. not in SDWIS. (SIA code entered instead)</p> <p>The SOX code needs to be linked to the 1999 nitrate M/R viol. because the system sampled for nitrate in 2/00 and 3/00 per the sample result log.</p> <p>R/FW notices were also issued for the 7-12/99 LCR initial tap sample on 11/1/99 (system sampled on 10/5/99), and on 6/6 and 6/20 for the 4-6/00 TCR sample (system sampled on 6/28).</p>
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			<p>1-6/99 LCR initial tap M/R</p>	<p>returned to compliance, and could lift PMs, and that it should take 5 routine samples in 8/98.</p> <p>It appears that the system took 5 routine samples on 10/28/98, but one sample was inconclusive. The system did not take a replacement sample.</p> <p>Yes-7/12/99 CF, BUT CF should have set new due date within 30 days for the LCR sample, and warn system a \$400 fine will be assessed if does not sample by the new due date.</p> <p>After the EV, MDEQ advised that Genesee CHD has been notified of this and agreed to include a new deadline in future letters.</p> <p>CF instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file.</p> <p>R/FW issued to system on 5/24/99.</p>	<p>Region 5 commends Genesee CHD for sending 2/28/00 letter that increases total coliform mon. frequency to quarterly (starting with the 1-3/00 qtr.) because of 1999 annual M/R viol. (See above comments under Dog House Lounge)</p> <p>Region 5 recommends that the LHD code its 7/10/98 site visit (following the 7/98 TCR MCL) into SDWIS (SIC code for State technical assistance visit), as well as the associated State issued PN (SFG).</p>
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			1999 TCR M/R	Yes-1/24/00 CF for 1999 TCR and nitrate M/R viols. (instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file).	
			1999 nitrate M/R	R/FW notices were sent to the system for the 1999 TCR and nitrate samples on 8/31/99, 11/1/99, and 12/1/99.  Yes*-1/24/00 CF for 1999 TCR and nitrate M/R viols. (see above)	
MI2521511	Academy of Flint	NT/25	10-12/99 TCR M/R	No- Instead of issuing the 1/24/00 \$200 CF for this violation, the LHD should have issued a written warning that system would receive a \$200 fine if had another monitoring violation within a specified 12 month period. 1/24/00 CF instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file.  A R/FW notice was issued on 12/2/99.	No enforcement follow-up in file for viol. of State imposed VOC mon. schedule. (This is a State violation and does not have to be reported to SDWIS, because the federal compliance period doesn't end until 12/31/01.) VOC sample was due by 12/31/99 per mon. schedule in 10/22/99 sanitary survey letter for this new system (approved by DWRPD on 8/25/99), but there were no VOC sample results in the file.
			1-6/00 LCR M/R	No-CF should have been issued. The 6/23/00 R/CF notice for the 1-6/00 sample should have been issued earlier (30 days before the end of the mon. period)	R/FW notices for 4-6/00 TCR sample issued on 6/6/00 (also reminds system to take its 2000 nitrate sample) and 6/22/00.



SYSTEM ID	NAME	POP	VIOLATIONS	STATE ACTION FOLLOWS FLOW CHART?	
MI2520357	Retail Stores - Suszek Properties	30/ NC	1999-TCR M/R 1999 Nitrate M/R	Yes (for both viols.)-TCR/Nitrate* M/Rs- NOV/PN request sent 1/24/00. Reminder lettr sent 8/3/99 and 12/1/99 for bacti and nitrate. 2-\$200 civil fines assessed for not collecting the Nitrate and bacti in 1999. On Feb 8, 2000, LHD changed system from annual to quarterly TCR monitoring. But the log sheet shows a sample (ND) submitted 12/21/99. LHD rec'd. 1/25/00 ltr. from system with 12//21/99 bacti/nitrate results so fines were waived.	<p>LHD rec'd. 1/25/00 ltr. from system with 12//21/99 bacti/nitrate results so fines were waived. So the TCR and nitrate M/Rs should not have been reported to SDWIS.</p> <p>Region 5 commends Genesee CHD for sending the 2/8/00 letter placed system on qtrly. TCR frequency beginning with 1-3/00 qtr. because of past mon. violations. (See above comments under Dog House Lounge).</p> <p>Date for NOV/PN request (SIA) in SDWIS is 1/11/00; but the actual date of the letter is 1/24/00. When violations are generated in the T2 database, the program assumes the sanitarian will be sending out violation notices the same day, and therefore uses the current date as the SIA date. The LHD needed to submit its quartlery data to the state before it got a chance to prepare and send out the violation notices. MDEQ accepts minor descerepancies because they cannot easily change the computer program.</p>

MI2521245	Fenton Hill Office Plaza	65/ NT	7-12/99-LCR M/R	No-LHD should have issued a R/FW notice before the end of the mon. period. NOV ltr. 1/24/00 for 7/1/99 compliance period, LHD assessed \$200 fine for 7/1/99 monitoring period. First round lead/copper on 6/28/00-ND. Lead/Copper sample taken 1/7/01-ND.	Date for NOV/PN request (SIA) in SDWIS is 1/11/00; but the actual date of the letter is 1/24/00. See comment for same discrepancy for previous system.
MI2520504	Olde Autumn Lounge	200/ NC	1999-TCR M/R 1999-Nitrate M/R  4-6/00-TCR M/R	Yes (for both viols.)* 1/24/00 NOV ltr./PN request assessed \$200 fines for these annual violations. R/FW notice issued on 12/1/99. LHD sent ltr. 2/8/00 changing from annual to quarterly.  No- No NOV/PN letter in file. 7/12/00 informal NOV reported to SDWIS.  6/6/00 reminder ltr. for 4-6/00 sample sent.	Region 5 commends Genesee CHD for sending the 2/8/00 letter placed system on qtrly. TCR frequency beginning with 1-3/00 qtr. because of past mon. violations. (See above comments under Dog House Lounge)

MI2521111	Dutchmen's Deli	25/ NC	<p>10-12/98-TCR M/R</p> <p>10-12/99-TCR M/R</p>	<p>Yes-NOV ltr. sent 1/15/99 for M/R bacti for 10/1/98.</p> <p>Yes-1/24/00 NOV ltr. assessing \$200 fine for this viol. Reminder ltr. 12/1/99 to sample for 10/1/99 quarter.</p>	<p>Unreported TCR M/R viol. for 7-9/98. No NOV ltr. sent. Reminder letter was sent 9/9/98.</p> <p>Unreported TCR M/R viol. for 1-3/99. Reminder ltrs. sent 3/4/99 and 3/29/99. NOV ltr. sent 4/22/99 said they would assess the \$200 civil fine if any more violations.</p> <p>System did not take any of the 5 required routine samples in Oct. following the 9/27, pos. sample; and 4 neg. repeats on 9/30/99. Major routine M/R violation was reported for 10-12/99.</p> <p>Reminder ltrs. sent 8/31/99 and 9/20/99 to do 7-9/99 bacti.</p> <p>A 1/11/00 informal NOV is reported to SDWIS instead of the 1/24 civil fine.</p> <p>Reminder ltr. sent 6/6/00 and 6/20/00 for bacti. Lots of reminder notices, but doesn't appear that they are too effective with this system. Sept. 2000 was outside of our review period, but the followup of pos. samples in Sept 2000 did not get resolved until 1/3/01. LHD should consider temporarily revoking system's food license in such cases.</p>
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MI2520744	Otisville Assembly of God	200/ NC	7-9/98-TCR MCL	<p>No-No NOV found in file. Signed PN dated 9/3/98 in file. Site visit inspection report in file RE: TCR MCL to discuss possible chlorination and further sampling. MCL resolved in November-4 non-detect (ND) check samples on 11/9/98 and 4 ND on 11/17/98.</p> <p>CHD also took 4 ND check samples on 11/2/98.</p> <p>No documentation that system was instructed to take 5 routine samples in 12/98. 5 routine samples were taken late. None were taken in 12/98 and 1/99. 5 were taken in 2/99.</p>	<p>7-9/98 TCR MCL should have been reported for 8/98 instead because system took 5 samples that month as required because system had an unconfirmed bacti positive sample the previous month (7/13 TC+, and 4 neg. samples on 7/16).</p> <p>Unreported TCR major M/R viol. for 10-12/99. Not acknowledged by LHD-No NOV.</p> <p>Sanitary survey ltr. of 5/11/00, states quarterly bacti monitoring..</p> <p>Reminder letters that warn of fines issued on 3/13/00 and 3/23/00, for first quarter 1-3/00; 12/1/99, for 10-12/99 quarter; 8/31/99 and 9/20/99, for 7-9/99 quarter; and 6/8/99 for 4-6/99 quarter.</p>
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MI3820042	Beach Bar, Inc.	TN/ 500	10-12/98 TCR MCL	<p>No-No NOV letter sent but notes on the 1998 T2 history report indicate the LHD called the system on 12/14 and instructed it to disinfect the well following the 4 TC+ repeats samples (LHD had dropped off the bottles and a letter requiring 4 repeats at the system on 12/11 following the 12/10/98 TC+ routine sample). The LHD posted a PN at the system, and there is a copy of the signed (LHD, and owner, dated (12/15) posting in the file. The PN says an alternative source of water is being made available while the problem is investigated and corrections are made. After system got consecutive neg. check samples on 12/17 and 12/18, LHD sent system a return to compliance notice on 12/22/98, advising it can remove the posting, BUT it does not tell system to take 5 routine samples the next month. System collected 5 samples in 1/99. The investigation into the cause of the MCL viol. is documented.</p> <p>Following the EV, MDEQ advised that a more accurate SOX date of 12/22/98 will be submitted to replace the 4/16/99 SOX date that was reported to SDWIS.</p>	<p>Following the EV, MDEQ advised that a 3/11/99 SOX date had been submitted to SDWIS/FED on 3/9/01 for the 1-3/99 TCR MCL SDWIS, and a more accurate SOX date of 12/22/98 will be submitted for the 10-12/98 MCL viol.</p> <p>11/18/99 reminder/enforcement warning for 10-12/99 TCR sample.</p> <p>The notice does not warn of a fine. Jackson CHD did not adopt the State fine policy until 2001. System sampled on 11/29.</p> <p>12/22/99 letter sent to system regarding sanitary survey LHD conducted on 9/9/99, instructs system to install a raw water sample tap, and sample for total coliform during the 1<sup>st</sup> month of each quarter, and nitrate/nitrite annually.</p> <p>12/1/00 letter to system states that a follow-up inspection was conducted (12/1/00?) and thanks system for installing the raw water sample tap.</p>
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			1-3/99 TCR MCL	<p>No- 3/3/99 informal NOV, 3/11/99 State PN request shown in SDWIS/FED were not in file. Also, no documentation in file of LHD letters, calls, visits to system re. need to take repeat samples following 3/2/99 TC+ routine sample, post PN, provide an alternative source of water; investigate to determine the cause and take corrective actions needed; chlorinate the well after repairs are completed; and resample until a minimum of 2 consecutive negative total coliform samples are taken at least 8 hours apart.. No documentation of LHD notification of system that it was returned to compliance after system took negative check samples on 3/10 and 3/11, and that it instructed it to take 5 routine samples the next month. Also, no documentation in file of an investigation into the cause of the MCL viol., corrective action, or that the system was disinfected.</p> <p>Following the EV, MDEQ advised that a 3/11/99 SOX date had been submitted to SDWIS/FED on 3/9/01.</p> <p>There is a copy of a PN signed by the system and the LHD in the file, and system collected 5 (neg.) routine samples in 4/99.</p>	
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MI3820084	Wildwood Acres Campground	TN/ 164	7-9/98 TCR MCL	<p>No-no NOV letter to system in file instructing system to determine cause, take corrective action, chlorinate the well, and take check samples. Copy of PN dated 7/10 signed by LHD and system owner which advises that alternative source of water is being made available while the problem is investigated and corrections are made.</p> <p>LHD called system on 7/7 following 7/6 TC+ routine sample, and made site visit and posted PN on 7/10.</p> <p>No documentation in the file of LHD notifying system that it had returned to compliance (7/17/98 SOX entered into SDWIS), and to remove the posting, and take 5 routine samples the next month. There is also no documentation of the investigation into the cause and what the problem was, and that system chlorinated the well. System did write "chlorinated" on the sample analysis forms for the 2 check samples taken on 7/15.</p> <p>Also, according to the 10/26/98 Lab Water Report, the system did not have 2 consecutive negative check samples before it was returned to compliance on 7/17/98. There are results for 2 neg. samples taken on 7/15 at Lots # 12 and 64 spigots, a positive</p>	<p>Unreported 8/98TCR major M/R viol. (system did not take any of the 5 required routine samples), and no enforcement follow-up in file.</p> <p>None of the 4 repeat samples taken on 7/8 following the 7/6/98 routine TC+ sample were taken from a raw water sample tap. The tap where the 7/6/98 routine TC+ sample was taken could not be determined because the lab slip was not in the file, and the only location information provided for it in the Street column on the 10/26/98 Lab Water Report is Goose Lk, i.e., no lot # or other info.</p> <p>The 10/26/98 Lab Water Report shows non-detect results for the following samples, but the lab slip result in the file is TC+: 7/13/98 samples from Lot #12, and Lot #64; and the 10/26/98 report shows a "POS" result for the 7/8/98 standpipe "A" sample, but the lab slip result in the file is "non-detect".</p> <p>There are results for 2 samples taken on 7/15 (both neg.) taken at Lot # 12 spigot, and the Lot # 64 spigot. However, the 10/26/98 Lab Water Report</p>
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				<p>sample taken on 7/16 at Lot #12, and 1 neg. sample taken on 7/17 at Lot #13.</p>	<p>only has the results for the Lot #12 sample.</p> <p>The system is shown as having 1 service connection in SDWIS, but each site having an RV hook up should have been counted as a single service connection per the Chief, Noncommunity Unit, DWRP.</p> <p>Season start and end dates in SDWIS are 4/1 and 9/30, BUT monitoring schedule in sanitary survey letter in file requires one sample before opening in Spring, one in the 3<sup>rd</sup> calendar qtr. quarter, and one before close (presumably in 4<sup>th</sup> cal. qtr.).</p> <p>Monitoring 11/18/99 reminder/enforcement warning for 1999 nitrate sample. The notice does not warn of a fine. Jackson CHD did not adopt the State fine policy until 2001.</p> <p>System sampled on 11/29.</p>
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MI3820299	Twin Knolls Golf	TN/ 100	1998 nitrate M/R  7-9/98 TCR M/R	<p>No*- no NOV letter or PN from system in the file. 1/1/99 informal NOV (SIA) shown in SDWIS. System sampled on 3/31/99 and SOX entered into SDWIS.</p> <p>Yes-10/1/98 NOV warns system if it misses another quarterly sample it will receive a CF and an informal conference will be requested (system would have become a TCR M/R SNC). The system had a violation the previous quarter (4-6/98), so could have been issued a CF for the 7-9/98 viol. However, the LHD did not issue an NOV/warning for the 4-6/98 viol., (PRIOR TO EV PERIOD OF REVIEW), and Jackson CHD did not adopt the State fine policy until 2001.</p> <p>The 4-6/98 viol. is included in the PN along with the 7-9/98 TCR M/R viol. in the PN attached to 10/1 NOV, and the NOV instructs the system to post it, BUT doesn't require it to return a signed/dated copy.</p>	<p>Unreported 4-6/98 TCR maj. mon. M/R viol. (PRIOR TO EV PERIOD OF REVIEW).</p> <p>The NOVs in the file for the 7-9/98, and 4-6/00 TCR M/R viols. are not in SDWIS.</p>
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			<p>10-12/98 TCR M/R</p> <p>4-6/00 TCR M/R</p>	<p>No-no NOV letter or PN from system in the file. 1/1/99 informal NOV (SIA) in SDWIS</p> <p>Yes-NOV letter instructs system to post enclosed PN, and to return signed/dated copy BUT no signed/dated PN in file.</p> <p>The PN provided by the LHD with this NOV letter is an improvement over the PN included with the NOV letter for the 7-9/98 TCR M/R viol. because it instructs system to return a signed/dated copy of PN, includes health effects information, and in addition to the LHD phone number, includes the LHD representatives name, and the name and phone number of the system owner.</p>	
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MI3820717	Jackson Brewing Co.	TN/ 50	10-12/99 TCR M/R	No-no NOV letter in file. Sample log says "no notice sent." LHD 11/18/99 monitoring reminder to system is in file.	Unreported 10/98 TCR major routine M/R viol. System did not take any of the 5 required routine samples the next month after 9/21 TC+ sample, and 4 neg. 9/23 repeat samples. System did not sample at all during 4 <sup>th</sup> cal. qtr./98. No enforcement follow-up in file.
			1999 nitrate M/R	No*-no NOV letter in file. 11/18/99 reminder notice in file.	Apparent unreported TCR monthly major routine M/R viol. for 2 <sup>nd</sup> (entry on data base printout for this quarter says "NA?") (prior to EV review period), and 2 <sup>nd</sup> , and 3 <sup>rd</sup> , calendar quarter of 1999. No enforcement follow-up in file for any of these.  Region 5 commends Jackson CHD for telling system to take quarterly TCR samples early in the quarter in its 4/23/96? sanitary survey letter, and for requiring annual VOC sampling for TNs located in an underground storage tank area.
MI3820024	Hanover Main Street Pub, Inc.	TN/ 25	4-6/00 TCR M/R	Yes-8/9/00 NOV issued BUT no signed/dated PN in file.	
MI3820619	Jackson Athletic Club	TN/ 100	1999 nitrate M/R	No*- No NOV letter in file. 1/31/00 informal NOV(SIA) in SDWIS.	Note in file states that for 1999 electronic data erased when lab closed in 12/99, and unable to locate any data for 1999.

MI3820461	Shenanigan's	TN/ 150	7-9/98 TCR M/R  10-12/99 TCR M/R	Yes-NOV in file. 1/31/00 informal NOV(SIA) in SDWIS. no signed/dated PN in file.  No-no NOV in file.	
MI3820670	Bumstead's MI3820670	TN/ 25	1998 nitrate M/R  10-12/98 TCR M/R  4-6/00 TCR M/R	Yes *- NOV in file, and note on handwritten sampling summary in file that system posted PN for this viol. on 1/1/99, BUT no signed/dated PN in file. SOX code (dated 2/1/99) entered into SDWIS after system sampled in 1999 (on 1/31/99 per handwritten sampling summary).  Yes-NOV in file, BUT the NOV refers to this as a semi-annual viol. However, TCR monitoring schedule documentation in the file is for quarterly, not semi-annual sampling., BUT no signed/dated PN in file.  Yes-Draft 8/11/00 NOV in file with handwritten note on it that says it was not sent because the system had lost its food license and closed.  7/13/00 SIA is in SDWIS,	4-6/00 TCR maj. routine M/R viol. (and 7-9/00 TCR M/R viol. beyond EV review period) should have been removed from SDWIS after LHD became aware that the system was closed during this time.  After the EV, MDEQ advised that this violation, as well as the 3 <sup>rd</sup> qtr. viol. will be removed from SDWIS.  Reference to a semi-annual TCR monitoring viol. needs to be corrected or explained in the file.  SDWIS shows an informal NOV(SIA) was issued on 7/13/00 for 4-6/00 TCR M/R viol., but the file indicates the NOV was not sent because the the system was closed during this quarter.

MI3820757	First Stop Inc.	TN/ 200	1-3/00 TCR M/R	No-no NOV was issued.	4/10/00 informal NOV(SIA) for 1-3/00 TCR M/R viol., should not have been entered into SDWIS. Note in file reads "no sample 1 <sup>st</sup> qtr. and no monitoring violation notice."
MI3820064	Pleasant Lake Center	TN/ 30	1-3/00 TCR M/R  4-6/00 TCR M/R	No-no NOV in file. 4/10/00 informal NOV(SIA) in SDWIS  Yes-NOV in file, BUT no signed/dated PN in file.	





MI3820697	Waterloo Recreation Area	25/ NC	10-12/99-TCR M/R  4-6/00-TCR MCL	<p>No- No NOV/request for PN letter found in file.</p> <p>Yes-Viol confirmed on 5/15. NOV/Posting sent to system 5/30, signed and faxed back on same day. RTC letter dated 6/7/00 which req'd. 5 samples on 6/30. 4 of 5 6/27 routines TC+ - unreported monthly MCL for 6/00. Positives continued in 7/00. Neg. check samples. 7/25 and 8/2. RTC letter sent 8/10. SOX reported to SDWIS.</p>	<p>Unreported 1-3/99.TCR M/R viol. No bacti slip found in file.</p> <p>1/31/00 informal NOV in SDWIS for 10-12/99-TCR M/R not found in file.</p> <p>System did take a sample 11/12/99 so the repte. 10-12/99 M/R violation is incorrect.</p> <p>Apparently, LHD coded the M/R viol. wrong by entering 10/99 instead of 1/99.</p> <p>A TCR MCL viol. should have also been reported for the month of 6/00 because the system was on a monthly mon. schedule and required to collect 5 routine samples because it had been cleared of an MCL violation by the LHD in May. Well was chlorinated but had another positive sample in July. LHD sent system a "sequence of events" sheet on 7/24, and an RTC letter sent on 8/10 after 2 negative check samples.</p>
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MI3820083	Pulaski Free Methodist Church	120/ NC	4-6/00-TCR MCL	<p>Yes-Pos on 6/22. LHD letter on 6/28/00 said positive and do 4 repeats. 2nd pos. on 6/28. 6/29 MCL NOV letter provides detailed instructions to the system, and includes a PN posting notice for system to use, BUT does not request system to send back as signed/dated copy. However, a signed dated (6/29) copy of the PN is in the file. RTC letter to system 7/27/00. 5 routines done on 8/7/00.</p> <p>SOX reported to SDWIS.</p> <p>6/29/00 NOV letter instructs system to take 5 bacti samples in 8/00 from the <u>well</u> instead of the distribution system as required by the TCR.</p>	<p>LHD provided very timely response to positive sample.</p> <p>System was apparently on annual before 1/2000, then put on quarterly in 1/2000. San. surv. ltr. 12/28/99 says on quarterly, but no documentation in the file that system was annual or quarterly in 98 and 99.</p>
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MI3820395	Kingdom Hall	100/ NC	1-3/00-TCR M/R	Yes-NOV sent to system on 4/10/00 for M/R, BUT no posting found in file.	<p>No indication in file as to quarterly or annual bacti monitoring.</p> <p>Unreported M/R violation for 1999 if annual; otherwise 4 quarterly M/R violations. Only two samples taken in 1998; Jan 2 and 12/22, so 2 unreported M/R violations for second and third quarters 1998.</p> <p>The LHD comment referring to 1999 was, "I don't understand why no samples—it is a functioning church and has been for years."</p> <p>9/20/00 survey ltr.</p>
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MI3820748	Loomis Park Baptist #2	300/ NT	1-3/00-TCR M/R	No-No NOV sent, and no PN sent or received for 1-3/00 TCR M/R viol.	<p>New system beginning Jan 1998. Survey ltr. 4/9/98 [survey done 1/7/98] states that "water tests were negative" from the survey, and that "the next bacti sample (for compliance purposes) will be due after 1/1/98."</p> <p>Unreported M/R viol. LHD should have reported a M/R viol. for 1/1/98 quarter, since the sample (neg.) from the survey cannot be counted as a compliance sample. (Prior to EV review period).</p> <p>SDWIS says SIA 4/10/00, but LHD said no violation notice sent.</p>
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MI3820132	Deer Run Golf Club	100 /NC	1999-Nitrate M/R  1-3/00-TCR M/R	No*-No NOV ltr./PN found in file for nitrate violation 1/99.  System was closed per file. (Quarterly bacti monitoring)	7-9/98 TCR MCL reported late to SDWIS. After the EV, MDEQ advised this viol. had been reported to SDWIS on 3/9/01 after the SDWIS reports used for the EV had been run.  Viol began with 4 pos from Sept 21-30. No NOV letter found in file. Posted on 9/28. LHD reqd 4 repeats. The 4 repeats must be collected within 24 hours of being notified of being positive. So at least 4 repeats should have been taken on 9/30. Unreported 7-9/98 minor repeat M/R violation .  4 pos. between 10/5 and 11/3.  RTC ltr. from LHD 11/18/98.  5 routines taken on 12/14/98.  No NOV in file for 1/1/00 TCR M/R - But LHD said system was closed for first quarter, 1-3/00.
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			7-9/99 TCR M/R	No-see entry for 7-9/98 viol. 10/13/99 informal NOV/ fine warning notice***	including the 4/10/00 NOV which requires system to return a signed/dated copy of the PN.
			10-12/99 TCR M/R	Yes- 2/10/00 Notice of 3/1 Pre- Hearing Conference warning further enforcement for failure to appear, and fines, and enforcement against the system's food service license for continued mon. noncompliance (requests system bring coliform bacteria and nitrate sample to conference). Signed 4/3/00 Monitoring Agreement with system.	11/24/98 R/FW notice for the 10-12/98 TCR sample. Info. on health effects of TCR, and about free analysis for businesses/residents in the County is included.
			1-3/00 TCR M/R	Also, 1/12/00 informal NOV/ fine warning notice issued***  Yes-4/10/00 informal NOV/fine warning that correctly describes the fine policy for quarterly monitoring; sets sampling due date before end of the quarter; and provides a PN for system to post, AND requires system to return a signed/dated copy.	
			1999 Nitrate M/R	Yes*-1/12/00 informal NOV/ fine warning notice***, and 2/10/00 Notice of Pre-Hearing Conference of 3/1 warning further enforcement for failure to appear, and fines, and enforcement against the system's food service license for continued mon. noncompliance, and signed 4/3/00 Monitoring Agreement with system.	

MI6320600	Camp Agawam	TN/ 50	1-3/99 TCR M/R  7-9/99 TCR M/R	Yes-informal NOV/ fine warning notice issued***  Yes- informal NOV/ fine warning notice issued***	System is on annual nitrate mon. schedule, but samples for nitrate almost every quarter (all NDs), apparently voluntarily.
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MI6321548**	Clarkston Mills	NT/ 75	7-12/99 lead action level exceedance	<p>PE-Yes 3/21/00 letter (confirming verbal communication same day) notifying system it exceeded the lead action level, and is required to provide PE (a copy is enclosed for system's use containing all the mandatory language), sample source water, and select a treatment option and submit to a proposal for implementation.. Letter does not instruct system to return a signed copy of the PE notice, and LHD faxed another copy the PE notice to system on 4/5 requesting system to fax a signed/dated copy back. There is a copy signed by the system dated 4/5 in the file.</p> <p><u>Source water lead/copper mon.</u> - No. There is no documentation in the file or on the State lab printout that system took a source water sample.</p> <p><u>Optimal corrosion control treatment</u> -No Based on the file and lab results printout, system appears to have met the requirement for systems opting to conduct a treatment study, that includes a lead/copper source identification and removal program, test all drinking water taps for lead/copper before the end of the next 6-month compliance period, BUT not the requirement that it test source water for</p>	
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				<p>lead/copper during this same time frame.</p> <p>ALSO, there is also no documentation in the file that taps where the lead action level was exceeded had been replaced, and these locations were retested, and the results were below the action levels.</p> <p>The 7/21/00 letter to system notifies system that it can discontinue PE based on the results of lead/copper samples taken by the system as part of the treatment study, and advised it will be eligible for annual lead/copper sampling if the next sample that is due by 11/30/00 (for the 7-12/00 compliance period is below the action levels.</p> <p><u>Water quality parameter mon.-</u> These may be postponed during the initial treatment study.</p>	
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MI6321783**	B & V Construction	NT/ 50	7-12/94 lead action level exceedance	<p><u>PE</u>-No There is no documentation in the file that the system took any of the required steps following the 8/3/94 lead action level exceedance, or any LHD compliance assistance/enforcement follow -up with the system following its 9/6/94 letter re. the 8/3/94 lead action level exceedance at one of two "bath" samples (and requires system re-sample these taps, and identify each tap on the lab slip so the samples can be differentiated). There is also no documentation that the system undertook a lead/copper source identification and removal program, and it retested the tap where the action level occurred.</p> <p>The 9/6/94 letter advises system that a PE program, additional mon., and plan to reduce lead/copper levels are required, and to contact the LHD or MDEQ for additional information. BUT the letter does not provide specific instructions, or an example PE notice for system's use, and does not specifically mention source water mon. (PRIOR TO EV REVIEW PERIOD)</p> <p><u>Source water lead/copper mon.</u>- No (see above).</p>	<p>Based on the lab database printout, the system next sampled in 5/96. There is no documentation in the file that the 8/3/94 lead action level exceedance was invalidated by the LHD based on improper sampling location, etc.</p> <p>It appears the LHD may have lost track of the 8/3/94 lead action level exceedance. It entered into a monitoring agreement (bilateral compliance agreement) with the system on 11/16/95 for LCR initial tap mon. for the 2<sup>nd</sup> half of 1995, and 1<sup>st</sup> half of 1996, and charged it with M/R violations for the 2<sup>nd</sup> half of 1995, 2<sup>nd</sup> half 1996, and 1<sup>st</sup> half 1997. (PRIOR TO EV REVIEW PERIOD)</p> <p>On 8/28/95 Region 5 issued a Proposed Administrative Order to the system for its failure to perform LCR initial tap M/R viol. for the 7-12/93 compliance period. Based on information provided the by DWRD, R5 issued an Administrative Order to system on 3/11/98 for its failure to monitor for lead/copper during 2 consecutive 6-month compliance periods beginning with the 7-12/93 period.</p>
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				<p><u>Optimal corrosion control treatment</u> -No (see above).</p> <p><u>Water quality parameter mon.-</u> These may be postponed during the initial treatment study.</p>	<p>The AO required the system to collect 5 lead/copper samples during the 1<sup>st</sup> and 2<sup>nd</sup> half of 1998. The system collected 1 sample during the 1<sup>st</sup> half 1998, none during the 2<sup>nd</sup> half of 1998, 5 during the 1<sup>st</sup> and 2<sup>nd</sup> halves of 1999 (6/24/99 samples were credited to the 2<sup>nd</sup> half of 1999).</p>
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MI6321365	Crossroads Free Will Baptist Church MI6321365	TN/25	10-12/98 TCR M/R	<p>Yes-1/7/99 NOV and Request for Informal Conference (for 2/11- but apparently re-scheduled), and an unsigned monitoring agreement for sampling during 4-6/99, and subsequent quarters, with warning of \$200 fine for violations. BUT State Order not issued until 5/12/00 (after system failed to appear at 3/8 hearing) which proposes a CF of \$400 (\$200 for 1999 nitrate M/R, and \$200 for 4-6/00 TCR M/R; and requires system to post the consolidated PN provided, and send back a copy of the signed/dated posting. BUT no copy of signed/dated PN from system in file.</p> <p>(Formal enforcement should have begun sooner because system had been a TCR M/R SNC since 10/1/96, and a SNC Exception since 6/1/97).</p> <p>11/24/98 reminder notice /fine warning says will issue \$200 fine if system fails to get sample by 12/11/98, but instead issued a 2/3/99 informal NOV/ fine warning notice issued***</p> <p>After the EV, MDEQ forwarded Region 5 a sample log that includes total coliform results for samples taken 2/22/00, and 5/4/00.</p>	<p>5/12/00 State Administrative Order (SFL) not entered into SDWIS</p> <p>Reminder notice for 2000 nitrate sampling does not contain fine warning.</p>
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			7-9/99 TCR M/R	<p>No- AO not issued until 5/12/00 (after system failed to appear at 3/8 hearing) which proposes a CF of \$400 (\$200 for 1999 nitrate M/R, and \$200 for 4-6/00 TCR M/R. After the EV, MDEQ forwarded Region 5 a sample log that includes total coliform results for samples taken 2/22/00, and 5/4/00.</p> <p>10/13/99 informal NOV/ fine warning notice issued***</p>	
			10-12/99 TCR M/R	<p>No-AO not issued until 5/12/00 (after system failed to appear at 3/8 hearing) which proposes a CF of \$400 (\$200 for 1999 nitrate M/R, and \$200 for 4-6/00 TCR M/R. After the EV, MDEQ forwarded Region 5 a sample log that includes total coliform results for samples taken 2/22/00, and 5/4/00.</p> <p>1/12/00 informal NOV/ fine warning notice issued***</p>	
			1999 Nitrate M/R	<p>Yes* -1/12/00 informal NOV/ fine warning notice issued***</p> <p>5/12/00 AO proposed \$200 fine for this violation. After the EV, LHD/MDEQ submitted a 2/15/01 SOX code for this violation.</p>	

MI6321419**	GM Proving Ground	NT/ 5,000	<p>6/19/00 (sample date) lead action level exceedance</p> <p>1/20/01 (sample date) lead action level exceedance (BEYOND EV REVIEW PERIOD)</p>	<p>No documentation of LHD instructions to the system or follow-up with the system re. the action level exceedances in the materials reviewed by the EV audit team.</p> <p>PE -No-For the 6/19/00 exceedance. There is no documentation that the PE notice was distributed to each employee. The 7/31/00 memo from the company's Worldwide Facilities Group, Environmental Services to Miford Proving Ground (MPG) managers transmits a copy of a PE notice re. the exceedance which includes all of the mandatory PE language. Also, there is also no signed/dated copy of the notice in the file.</p> <p>The PE notice states that all drinking water fountains have been shut off, and bottled water and point-of-use (POU) treatment systems are being provided. It states that fountains will be replaced with POU systems, inline filters are being installed for automatic coffee makers and vending machines, and that the treatment systems will undergo routine maintenance and performance monitoring.</p> <p>An attached fact sheet on Innwave POU treatment systems indicates that a non-POU treatment systems is also being</p>	<p>GM has proposed to use POU devices in lieu of central corrosion control treatment because central treatment would cause the facility to exceed the phosphorus limit in its NPDES permit. GM had already begun installing POU devices to remove high levels of iron.</p> <p>After the EV, MDEQ forwarded a copy of lead and copper results for the system's set of 40 samples for the 7-12/01 compliance period collected on 7/10/01. The results are below the lead and copper action levels.</p>
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				<p>installed in the cafeteria to service the high volume coffee maker used for catered service. A question/answer document is also attached.</p> <p>PE-Yes. For the 1/20/01 exceedance. (BEYOND EV REVIEW PERIOD) The 2/8/01 memo to Proving Ground employees "Update o Proving Ground Drinking Water Issues" advises employees to drink water from sources where a water treatment device has been installed, and avoid untreated distribution system sources, e.g., bathroom sinks, lunchroom sinks, garage area sinks, etc. It states that their testing has shown the devices remove lead and copper from the water to safe drinking levels. It states that one third of the devices have been installed and that the rest will be installed by mid-April, 201. An updated copy of the PE notice is attached.</p> <p><u>Source water lead and copper monitoring</u> - Yes MDEQ advised that source water monitoring occurred 6/19/00, and results were below the action levels, BUT a copy of these results were not immediately available. MDEQ also advised that another sample was taken from the pump room on 11/17/00 and provided a</p>	
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				<p>copy of the results: .007 mg/l lead, and .08 mg/l copper which are both results were below the action levels.</p> <p><u>Optimal corrosion control treatment</u> - Yes - Based on the file and lab results printout, system did not meet MDEQ's requirement that a system that opts to conduct a treatment study test all its drinking water taps for lead/copper, before the end of the next 6-month compliance period if the study includes a lead/copper source identification and removal program. System submitted a treatment study that was not immediately available for review during the EV. After the EV, MDEQ advised GM's proposed monitoring plan features sampling 40 treatment units (20 distillers and 20 taps with inline filters) for two six month periods, then requesting a reduction to 20 samples annually if action levels are met.</p> <p>MDEQ rejected the monitoring plan, and suggested two options for ongoing monitoring. The first would involve sampling all raw drinking water taps to identify those with elevated lead levels, and focusing routine lead/copper monitoring of treatment units on taps with elevated lead /copper. Appropriate monitoring reductions</p>	
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				<p>would be considered. However, MDEQ advised GM that it will not consider reductions in numbers or frequency until all treated drinking water units have been sampled and shown to be effective for lead removal. This means 40 samples would be collected every six months. The alternative is including all taps known to have elevated lead in each sample rotation.</p> <p>The lab database printout provided for the EV had results for 42 samples for the 2<sup>nd</sup> half 2000, and 1<sup>st</sup> half 2001 (sample location not shown).</p> <p>It appears from the PE notice that many or all of the drinking water fountains will be replaced with point-of-use devices.</p> <p>MDEQ advised R5 that the system will be required to maintain the devices and keep maintenance. Any approval will be dependent on insuring the devices function properly and that it can be documented.</p> <p>MDEQ proposed a rule change in their packet of LCRMR changes that will allow compliance sampling from POU devices (or taps with POU) if approved by MDEQ for lead/copper removal in</p>	
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				lieu of central corrosion control treatment.	
				<u>Water quality parameter mon.-</u> These may be postponed during the initial treatment study.	
MI6322274	Engineering Tube Specialties	NT/60	7-9/98 TCR M/R	Yes- 11/4/98 informal NOV*** sets sampling due date before end of the quarter, provides a PN for system to post, BUT does not require system to return a signed/dated copy. It also warns "A fine may be issued because of the violations in accordance with Act 165, PA, 1993.	System sampled for nitrate on 2/23/99 and 6/29/99, but a SOX code had not been entered into SDWIS for the 1998 M/R viol.  4/21/99 informal NOV/PN request in SDWIS for 1/96-12/98 IOC M/Rs not in file.
			10-12/98 TCR M/R	Yes -Yes-informal NOV/ fine warning notice*** (provides a PN for system to post, BUT does not require system to return a signed/dated copy.	4/21/99 informal NOV/PN request in SDWIS for 1/96-12/98 VOC M/Rs not in file.
			4-6/99 TCR M/R	No-Formal enforcement should have been initiated against the system within 30 days of the LHD learning that the system did not take the 4-6/99 TCR sample; and	1/28/99 informal NOV in SDWIS for 1-12/98 Nitrate M/R not found in file.

				thus became a major monitoring SNC by incurring 3 major M/R violations within a 12 month period. (Also, system became a federal Exception on 3/1/00 because the system had not returned to compliance and the LHD had not taken enforcement). LHD issued informal NOV/fine warning notice.***	
			7-9/99 TCR M/R	No- Formal enforcement should have been initiated against the system. Informal NOV/ fine warning issued***	
			10-12/99 TCR M/R	No- Formal enforcement should have been initiated against the system. Informal NOV/ fine warning notice issued***	
			1-12/98 Nitrate M/R	No*-1/28/99 informal NOV in SDWIS not found in file.	
				3/13/00 Notice of Pre-Hearing Conference, and signed 3/21 monitoring agreement addendum includes nitrate in addition to TCR and LCR; also requires system to post the PN provided, and send back a copy of the signed/dated posting. BUT no copy of signed/dated PN from system in file.	
			7-9/99 TCR M/R	Yes-2/399 informal NOV/fine warning issued***	

			1/96-12/98 IOC M/Rs	No* -4/21/99 informal NOV/PN request in SDWIS not in file.  9/10/99 sanitary survey letter warns of CF if system fails to sample for IOCs by 9/30/99. However, system sampled on 6/29/99. SOX code was entered into SDWIS.	
			1/98-12/98 VOC M/Rs	No*- 4/21/99 informal NOV/PN request in SDWIS not in file.  9/10/99 sanitary survey letter warns of CF if system fails to sample for VOCs by 9/30/99. However, system sampled on 6/29/99. SOX code was entered into SDWIS.	
MI6321501	Indianwood Golf & County	TN/ 300	4-6/98 TCR M/R 7-9/98 TCR M/R 1-3/99 TCR M/R 10-12/99 TCR M/R	No-According to the noncommunity program's mon. viol. flow chart, formal enforcement should have been taken because at the start of the EV review period, the system was a TCR SNC/Exception system (major M/R viols. for the last 3 qtr. of 1996, all 4 qtrs. of 1997, and the 1 <sup>st</sup> qtr/1998.  5/16/00 State Administrative Order issued for the 2 <sup>nd</sup> , and 3 <sup>rd</sup> qtr/98 and 1 <sup>st</sup> and 4 <sup>th</sup> qtr. 99 TCR TCR M/R viols which threatens fines. Separate informal NOV's were issued for each viol.	5/16/00 State Administrative Order (SFL) not coded in SDWIS. (After the EV, MDEQ advised that it will be submitted to SDWIS, but as of 9/4/01 it still did not show up on SDWIS pulls for the system.

MI6322449	Copper Hills Golf & Country Club	TN/ 25	7-9/98 TCR M/R	Yes -informal NOV issued 10/27/98 (per SDWIS) that sets sampling due date before end of the quarter, provides a PN for system to post, BUT does not require system to return a signed/dated copy. The NOV also warns "A fine may be issued because of the violations in accordance with Act 165, PA, 1993.	Region 5 commends Oakland CHD for requiring quarterly VOC monitoring for vulnerable TNs, e. g., located in an UST area.
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SYSTEM ID	NAME	POP	VIOLATIONS	STATE ACTION FOLLOWS FLOW CHART?	DISCREPANCIES/RECOMMENDATIONS/COMMENTS
MI6322161	Holly Recreation Area	25/ NC	<p>7-9/98-TCR MCL</p> <p>1-3/99-TCR MCL</p> <p>4-6/99-TCR MCL</p>	<p>No-Pos. 7/6/98, 4 repeat pos. 7/14/98. NOV and PN sent 7/17/98 and PN rec'd. and signed. No documentation in file that chlorination was done. RTC ltr. 9/16/98. 5 routines collected in 10/98. 4 were ND, and one inconclusive due to interference. Should have collected a replacement sample, but did not. 5 pos. in Dec 98- MCL not repted.</p> <p>No- 5 pos. in Jan 99; LHD sent NOV/PN Jan 26, 1999; PN rec'd. and signed 2/3/99. LHD sent RTC letter 2/4/99. (It appears LHD may be chlorinating, and collecting two negative check samples, but there is no documentation in the file. RTC letters sent despite history of pos. samples.) On 3/2/99, 3 pos. samples. LHD sent NOV/PN 3/5/99. Unreported MCL for month of 3/99.</p> <p>No-5 routines collected on 4/29, all pos., and 1 pos. 5/3; LHD sent ltr 5/3/99 to collect 4 repeats; the LHD incorrectly invalidated the 5 pos. on 4/29.</p> <p>[Invalidation must follow 141.21(c)]. No samples taken after the pos. on 5/3 until 6/16. No NOV or signed PN from system in file. More positives continue thru June. More positives in July.</p>	<p>Unreported TCR MCL viol. for 12/98.</p> <p>Unreported TCR MCL viols. for the month of 10/99. System was on a monthly mon. schedule and required to collect 5 routine samples this month because it had been cleared of an MCL violation by the LHD the previous month.</p> <p>A TCR MCL violation should also have been reported for the month of 3/99 because the system was on a monthly mon. schedule and required to collect 5 routine samples this month because it had been cleared of an MCL violation by the LHD the previous month.</p> <p>Unreported minor routine mon. viol. for month of 10/98.</p> <p>LHD incorrectly invalidated the 5 pos. samples taken 4/29.</p>

			<p>4-6/00-TCR MCL</p>	<p>LHD sent RTC ltr. 10/20/99.</p> <p>10/28/99 3 pos samples, no MCL violation reported.</p> <p>No-1 pos. 4/18/00, 4 pos. 4/24/00. LHD sent NOV/PN 4/26/00; PN rec'd. and signed 2/3/99. Another pos. on 5/2/00. RTC letter on 5/17/00 based on 2 check samples 5/15-5/16.</p> <p>Public health may not have been protected at this system by the LHD. Supposedly the pump is out of service during periods of positive samples by removing the pump and alternate source of water is provided, but there is no evidence for this in the file. There is something seriously wrong with the construction of this well, and the file shows no evidence that chlorination was conducted or that a site visit was conducted at all during this 2-year time period, even though 7 of the 8 quarters reviewed had MCL violations (reported and unreported).</p> <p>Following the EV, MDEQ advised R5 that Oakland CHD assured them the pump handle had been removed and PN was posted during the MCL violations.</p>	
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MI6321401	Odyssey Water Supply	85/ NT	1999-TCR M/R 1999-Nitrate M/R	Yes-NOV for TCR/nitrates* dated 1/12/00. 2/10/00—notice of pre-hearing conference sent 2/10/00. System signed monitoring agreement dated 3/15/00 [SFK in SDWIS]. 2 samples taken in 2000: 3/15 and 5/24, so system appears to be following agreement.	No documentation in file to indicate when system was changed from annual to quarterly monitoring for bacti.
MI6320220	Union Lake Medical Building	70/ NC	1999-Nitrate M/R  4-6/99-TCR M/R	Yes* 1/12/00 informal NOV/fine warning notice issued.*** No signed/dated copy of PN in file.  Yes-7/22/99 informal NOV/fine warning notice issued.*** No signed/dated copy of PN in file.	No documentation in file to indicate when system was changed from annual to quarterly monitoring for bacti.
MI6322602	Planet Kids Daycare	100/ NT	10-12/99-TCR M/R  4-6/00-TCR M/R	Yes- 1/11/00 informal NOV/fine warning notice issued.***  Yes- 7/10/00 informal NOV issued which warns of \$200 fine for failure to sample on more than one occasion in a 12 month period, and \$400 fines for subsequent viols, sets sampling due date before end of the quarter, provides a PN for system to post, and requires system to return a signed/dated copy. Oakland CHD did not begin to actually assess fines until after it adopted the State civil fine policy in late 2000.	

MI6322119	Beck Village Plaza	200/ NC	7-9/98-TCR M/R	<p>No- Formal enforcement should have been initiated because the system had been an unaddressed TCR SNC since 7/1/96.</p> <p>11/4/98 informal NOV issued that sets sampling due date before end of the quarter, provides a PN for system to post, BUT does not require system to return a signed/dated copy. The NOV also warns "A fine may be issued because of the violations in accordance with Act 165, PA, 1993.</p>	<p>5/12/00 State Administrative Order (SFL) not entered into SDWIS.</p>
			1-3/99-TCR M/R	<p>No-See above re. need for formal enforcement.</p> <p>5/3/00 informal NOV/fine warning notice issued.***</p>	<p>10/13/99 NOV/PN request for 7-9/99 TCR M/R violation had not been reported to SDWIS.</p>
			4-6/99-TCR M/R	<p>No- See above re. need for formal enforcement.</p> <p>7/22/99 informal NOV/fine warning notice issued.***</p>	<p>1/12/00 NOV/PN request for 10-12/99 TCR M/R viol. had not been reported to SDWIS.</p>
			7-9/99-TCR M/R	<p>No-See above re. need for formal enforcement.</p> <p>10/13/99 informal NOV/fine warning notice issued.***</p>	<p>5/12/00 LHD Administrative Order not in SDWIS.</p>
			10-12/99-TCR M/R	<p>Yes- Public hearing was held 2/11/00 to discuss noncompliance. System/LHD signed Monitoring agreement which states that further noncompliance will result in a \$200 fine for bacti and nitrate.</p> <p>1/12/00 informal NOV/fine warning notice issued.***</p>	<p>All the NOVs included a blank PN. But no evidence that any were signed and returned.</p> <p>System should have been referred for federal enforcement after it failed to comply with the State Administrative Order. However, after LHD started to actually assess fines in late 2000 it adopted the State civil fine policy, the system started to comply.</p>

			4-6/00-TCR M/R	<p>Yes-Public hearing scheduled for 3/7/00 to discuss noncompliance. System failed to appear.</p> <p>5/12/00 State Administrative Order issued for past TCR and nitrate M/R violations. Required system to sample for total coliform and nitrate by 6/15/00, and by 8/10 for the 7-9/00 quarter, and post PN for past violations. Civil fines are threatened for failure to comply with the AO.</p> <p>After the EV, MDEQ advised that LHD issued system a \$200 fine on 12/15/2000.</p> <p>7/10/00 informal NOV issued which warns of \$200 fine for failure to sample on more than one occasion in a 12 month period, and \$400 fines for subsequent viols, sets sampling due date before end of the quarter, provides a PN for system to post, and requires system to return a signed/dated copy. Oakland CHD did not begin to actually assess fines until after it adopted the State civil fine policy in late 2000.</p>	
			1999 Nitrate M/R	<p>Yes-*Public hearing was held 2/11/00 to discuss noncompliance and system/LHD signed. Monitoring agreement discussed \$200/\$400 fines.</p> <p>1/12/00 informal NOV/fine warning notice issued.***</p> <p>Apparently, system sampled for nitrate per 3/28/00 SOX date in SDWIS for this viol.</p>	

				After EV MDEQ advised R5 that system returned to compliance with monitoring requirements as of 3/31/01, and with payment of fines and annual fees as of FY 01.	
MI6322109	Grace Chapel of Oakland County	140/ NC	1-3/99 TCR M/R  1-3/00 TCR M/R	Yes-5/3/99 informal NOV/fine warning notice issued.***  Yes- 4/1/00 informal NOV issued which warns of \$200 fine for failure to sample on more than one occasion in a 12 month period, and \$400 fines for subsequent viols, sets sampling due date before end of the quarter, provides a PN for system to post, and requires system to return a signed/dated copy. Oakland CHD did not begin to actually assess fines until after it adopted the State civil fine policy in late 2000.	
MI6322377	Heather Lakes Plaza	25/ NC	4-6/99 TCR M/R  1998Nitrate M/R	Yes-7/22/99 informal NOV/fine warning notice issued.*** PN not signed/returned.  Yes* 2/3/99 informal NOV/fine warning notice issued.***	Unreported TCR MCL viol. for 7-9/98. 9/30/98-pos sample. 10/8/98 (pos) and 10/12/98(4-neg). Repeats should have been taken within 24 hours of notification of the pos. Repeat on 10/8/98 confirms an MCL violation, but not reported to SDWIS. Five routine samples not taken in October/November - Unreported monthly major routine M/R viol.

MI6322310	George Shamoun & Sons	25/ NC	7-9/98-TCR M/R	Yes - 11/4/98 informal NOV sets sampling due date before end of the quarter, provides a PN for system to post, BUT does not require system to return a signed/dated copy. The NOV also warns "A fine may be issued because of the violations in accordance with Act 165, PA, 1993.	Reminder letter sent 11/23/98 for nitrate sample. Letter did discuss the Civil Fine of \$200. 12/28/98 Notice of Pre-hearing Conference for nitrate. After the EV, MDEQ provided documentation that pre-hearing conference notice and NOV were signed by system on 12/22/98, and conference was set for 1/6/99. MDEQ also advised that it appears the LHD collected bacti and nitrate samples on 12/22/98, charged the system, and did not issue violations.
MI6321476	Highland Hills Christian School	100/ NT	1999-Nitrate M/R  4-6/00-TCR MCL   1/96-12/98 Cyanide M/R	File noted a nitrate sample analyzed on 3/9/99; thus no nitrate violation for 1999.  No- Positive sample taken on 5/23/00; 2 repeats taken 5/25 and 2 repeats taken on 5/29. Repeats should be taken on same day. No repeat taken at wellhead. NOV and PN sent to system 5/30/00. LHD sent a "Partial Return to Compliance Letter" dated 6/21/00 (Bathroom sink safe; kitchen sink positive) SOX code is 6/21/00. No such thing as "Partial Return to Compliance". It's all or none. Positive samples continued thru June; no evidence that 2 consecutive satisfactory coliform samples were obtained.  Yes-5/6/99 informal NOV/fine warning notice issued.***  System sampled on 6/8/99. 6/8/99 SOX date in SDWIS.	1999 Nitrate M/R viol. should not have been reported to SDWIS.

<p>** EV review team only reviewed the LHD and DWRPD documentation related to lead action level exceedances, and did not review follow-up follow-up for any other violations which the system had during the EV review period.</p> <p>violations for other contaminants during the EV review.</p>				<p>* DWRPD Noncommunity Unit staff advised that the 2/93 "MDPH(now MDEQ/DWRPD) Monitoring Violations - Noncommunity Flow Chart Showing "Timely and Appropriate" Actions" should show formal enforcement is initiated after system becomes a chem/rad monitoring SNC by failing to monitor for a chem/rad contaminant for 2 consecutive compliance periods instead of after a single chem/rad monitoring violation. The flow chart should show issuance of an informal for the first chem/rad M/R violation. The audit team has assumed the counter part CWS flow chart is also incorrect in this regard. MDEQ/LHDs should also be using the State Civil Fine policy that would result in a fine after a single violation for annual and less frequent monitoring for CWSs, and after a single violation for 6-month (LCR initial tap monitoring) and less frequent monitoring for NCWSs.</p> <p>*** warns system that "Future monitoring violations will result in a civil fine of \$200..." and attaches an example fine; sets sampling due date before end of the quarter, provides a PN for system to post, BUT does not</p>	
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				<p>require system to return a signed/dated copy. Oakland CHD did not begin to actually assessing fines until after it adopted the State civil fine policy in late 2000.</p>	
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## Appendix C

### **Unreported Violations**



Records for 16 NCWSs overseen by Genesee CHD were reviewed during the EV.

**MCL violations:**

There were no unreported MCL violations.

**M/R violations:**

TCR major (or minor) routine at Grand Blanc Court Club (MI2520179) system failed to take 5 routine samples the month following the 3/00 TCR MCL. System took no routine samples in 4/00 and 5/00, and 1 in 6/00.

1-3/00 TCR major routine at Dog House Lounge (MI2520539).

7-9/98 TCR major routine at Smoke Rise Business Office (MI2521136).

1-12/99 TCR major routine at Beta Theta Phi (MI2521364). LHD followed its enforcement procedures. 1/24/00 CF issued

7-12/98 LCR initial tap sampling at Doodle Bugs Daycare (MI2521493). A R/FW notice was issued on 10/22/98, but no enforcement follow-up.

1-6/00 LCR initial tap sampling at Doodle Bugs Daycare. No R/FW notice was issued and no enforcement follow-up.

10/98 TCR minor routine at Doodle Bugs Daycare. (System did not collect a replacement for 1 of the 5 10/28/98 routine samples with an inconclusive result.)

7-9/98 TCR major routine at Dutchman's Deli (MI2521111). A R/FW notice was issued on 9/9/98, but no enforcement follow-up.

1-3/99 TCR major routine at Dutchman's Deli. LHD followed its enforcement procedures. LHD issued R/FW notices on 3/4/99 and 3/29/99 and an NOV letter on 4/22/99 that warned of a \$200 civil fine if there was another violation.

10-12/99 TCR major routine at Otisville Assembly of God (MI2520744).

**Summary:**

**MCL**

There were no unreported MCL violations.

**M/R**

5 TCR quarterly major routine M/R - LHD followed its enforcement procedures for 1.

1 TCR monthly (either major or minor) routine M/R

1 TCR monthly minor routine M/R

1 TCR annual major routine M/R - LHD followed its enforcement procedures

## **UNREPORTED VIOLATIONS**

The audit team noted the following violations that were not reported to SDWIS. There may be additional unreported violations during the review period that were not noted by the audit team. Any documentation that the State/LHD was aware of the violation or enforcement follow-up was taken is noted.

### **Community Water Systems**

#### EHS

Records for 18 MHPs overseen by EHS were reviewed during the EV.

#### **MCL violations:**

There were no unreported MCL violations.

#### **M/R violations:**

There were no unreported M/R violations.

#### **Summary:**

MCL-0

M/R-0

#### BHCF

Records for 3 nursing homes overseen by BHCF were reviewed during the EV.

#### **MCL violations:**

There were no unreported MCL violations.

#### **M/R violations:**

9/98 TCR minor repeat at Glenwood Christian Nursing Home (MI0062658)

10/98 TCR minor routine at Glenwood Christian Nursing Home

9/99 TCR minor routine at Glenwood Christian Nursing Home

#### **Summary:**

MCL - 0

M/R - 2 TCR minor routine M/R

1 TCR minor repeat M/R

Unreported violations were noted at 1 of the 3 systems included in the EV.

### **Noncommunity Water Systems Overseen by Contract LHDs**

#### Genesee CHD

2 LCR initial tap M/R

Unreported violations were noted at 7 of the 16 systems included in the EV.

#### Jackson CHD

Records for 16 NCWSs overseen by Jackson CHD were reviewed during the EV.

#### **MCL violations:**

6/00 TCR monthly MCL violation at Waterloo Recreation Area (MI3820697). System was required to collect 5 routine samples during June because it had an MCL violation which was got resolved in 5/00. There is no NOV letter for the 6/00 MCL in the file, but there is documentation that the well was chlorinated, 2 consecutive negative check samples were obtained, and a LHD letter returning the system to compliance.

#### **M/R violations:**

8/98 TCR major routine at Wildwood Acres Campground (MI3820084). System did not take any of the 5 required routine samples.

10/98 TCR major routine at Jackson Brewing Company (MI3820717). System did not take any of the 5 required routine samples the next month after 9/21 TC+ sample, and 4 neg. 9/23 repeat samples. System did not sample at all during 4<sup>th</sup> cal. qtr./98 (see above).

4-6/98 TCR major routine at Jackson Brewing Company. ( "NA?" entered on T2 history report for this quarter.) (Prior to EV review period.)

4-6/99 TCR major routine at Jackson Brewing Company.

7-9/99 TCR major routine at Jackson Brewing Company.

Either a 1999 TCR annual major routine, or 4 quarterly violations at Kingdom Hall (MI3820395). No indication in file as to quarterly or annual bacti monitoring. The LHD comment referring to 1999 was, "I don't understand why no samples—it is a functioning church and has been for years."

Possible unreported 4-6/98 TCR major routine at Kingdom Hall. (Prior to EV review period.) "NA" entered on sample log for this quarter.

Possible unreported 7-9/98 TCR major routine at Kingdom Hall. "NA" entered on sample log for this quarter.

7-9/98 TCR minor repeat at Deer Run Golf Club (MI3820132).

1-3/98 TCR major routine at Loomis Park Baptist (MI3820748) (Prior to EV review period.)

4-6/98 TCR major routine at Twin Knolls Golf (MI3820299). (Prior to EV review period.)

**Summary:**

**MCL**

1 monthly MCL violation when system was on increased routine monitoring (5 samples) following an MCL - LHD followed up documented.

**M/R**

Either 6 (and 1 possible) TCR quarterly major routine or 2 (and 1 possible) of these violations, and 1 annual major routine. [Also 3 (and 1 possible) 4-6/98 and 1 1-3/98 TCR TCR major routine. (Prior to the EV review period.)]

2 TCR monthly major routine M/R

1 quarterly minor repeat M/R

Unreported violations were noted at 5 of the 16 systems during the EV review period.

**Oakland CHD**

Records for 16 NCWSs overseen by Oakland CHD were reviewed during the EV.

**MCL violations:**

7-9/98 at Heather Lake Plaza (MI6322377).

12/98 at Holly Recreation Area (MI6322161). System was on a monthly monitoring schedule and required to collect 5 routine samples this month because it had recently been cleared of an MCL violation by the LHD.

3/99 at Holly Recreation Area. System was on a monthly monitoring schedule and required to collect 5 routine samples this month because it had been cleared of an MCL violation by the LHD the previous month. LHD issued an NOV/PN request for the violation. The LHD reported the MCL that occurred in 1/99 to SDWIS for the 1-3/99 quarter, and issued a 1/26 NOV/PN request, and 2/4/99 RTC letter for this MCL violation. The LHD should have also entered an MCL violation for 3/99 into SDWIS.

10/99 at Holly Recreation Area. System was on a monthly monitoring schedule and required to collect 5 routine samples this month because it had been cleared of an MCL violation by the LHD the previous month.

**M/R violations:**

10/98 TCR minor routine at Holly Recreation Area.

1998 annual nitrate at Union Lake Medical Building (MI6320220). LHD issued 1/12/00 NOV.

10/98 (or 11/98) TCR monthly major routine at Heather Lake Plaza. Five routine samples not taken in October/November.

1996-1998 cyanide at Highland Hills Christian School (MI6321476). LHD issued 5/6/99 NOV.

**Summary:**

**MCL**

1 TCR violation when system was on quarterly monitoring

3 TCR violations when system was on increased routine monitoring (5 samples) following an MCL - LHD issued an NOV for 1 of these violations

**M/R**

1 TCR monthly major routine

1 TCR monthly minor routine

1 Nitrate annual M/R for 1998 - LHD issued an NOV.

1 triennial cyanide M/R - LHD issued an NOV.

Unreported violations were noted at 3 of the 19 systems included in the EV.

